

MEETING
STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
ENVIRONMENTAL JUSTICE ADVISORY COMMITTEE

CAL/EPA HEADQUARTERS
JOE SERNA, JR., BUILDING
1001 I STREET
2ND FLOOR
SIERRA HEARING ROOM
SACRAMENTO, CALIFORNIA

MONDAY, APRIL 16, 2007

9:30 A.M.

TIFFANY KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

ADVISORY COMMITTEE MEMBERS

Ms. Barbara Lee, Co-Chairperson, North Sonoma County Air
Pollution Control District

Mr. Joseph Lyou, Co-Chairperson, California Environmental
Rights Alliance

Ms. Detrich Allen, City of Los Angeles, Department of
Environmental Affairs

Mr. David Arrieta, DNA Associates

Mr. Jose T. Bravo, Justice Transition Alliance in San
Diego

Ms. Teresa DeAnda, Central Valley Representative,
Californians for Pesticide Reform,
represented by Ms. Cynthia Babich, Del Amo Action
Committee

Mr. Greg Herrmann, City of Burbank
(Alternate for Sue Georgino)

Ms. Yuki Kidokoro, Communities for a Better Environment

Ms. Diane Takvorian, Environmental Health Coalition

Ms. Lenore Volturmo, Pala Band of Mission Indians,
represented by Mr. Ron Reed, Karuk Tribe

Mr. Barry Wallerstein, South Coast Air Quality Management
District

Ms. Brenda Washington Davis, Managing Counsel, California
Farm Bureau Federation

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Ms. Linda Adams, Secretary

Dr. Shankar Prasad, Deputy Secretary

Ms. Malinda Dumisani, Special Assistant, Environmental
Justice

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STATE WATER RESOURCES CONTROL BOARD

Mr. Ted Cobb, Assistant Chief Counsel

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Mr. Leonard Robinson, Chief Deputy Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Mr. Mark Leary, Executive Director

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Mr. John Faust, Staff

Mr. Allan Hirsch, Chief Deputy Director

ALSO PRESENT

Mr. Arthur Boone, Oakland resident

Ms. Ciro Calderon, New River community member

Ms. Ernestina Calderon, New River community member

Mr. Miguel Figueroa, Calxico New River Committee

Ms. Genoveva Jimenez, New River community member

Ms. Mariana Jiminez, New River community member

Ms. Debbie Lowe, U.S. EPA

Ms. Sara Magaa Withers, Calxico New River Committee

Mr. Mark McCaffrey, Trans-Lang

Ms. Edity Monroy, Trans-Lang

Ms. Karen Pierce, Bayview Hunters Community Advocates

Ms. Yvonne Porter, Fort Ord Environmental Justice

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES CONTINUED

STAFF

Mr. Eric Reyes, Institute for Socio-Economic Justice

Mr. Julio Rocha, Calexico community resident

Ms. LeVonne Stone, Executive Director, Fort Ord
Environmental Justice Network

Ms. Amy Vanderwarker, Environmental Justice Coalition for
Water

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

INDEX

	PAGE
1. Welcome from Cal/EPA Secretary Linda Adams	3
2. Introductions and Opening Remarks	9
3. Cal/EPA Cumulative Impacts Guidance	
Office of Environmental Health Hazard Assessment Presentation	73
Public Comment Period	88
Committee Discussion	108
4. Cal/EPA Precautionary Approaches Guidance	
California Integrated Waste Management Board Presentation	10
Public Comment Period	25
Committee Discussion	14
5. State Water Resources Control Board New River (Calexico) Pilot Project	
SWRCB Presentation	145
Public Comment Period	159
Committee Discussion	155
6. Adjourn	213
7. Reporter's Certificate	214

1 PROCEEDINGS

2 CO-CHAIRPERSON LEE: We're going to go ahead and
3 begin the meeting. And hopefully by the time we're done
4 with the opening remarks, we will officially have a
5 quorum. So welcome, everybody.

6 CAL EPA SECRETARY ADAMS: We may have a quorum.
7 I'll go ahead with my opening statement.

8 Good morning, everyone. I'm Linda Adams,
9 Secretary for Environmental Protection Agency.

10 Hi, Barry.

11 And thank you all for being here today. This is
12 the public meeting of the Advisory Committee on
13 Environmental Justice. And we also want to thank
14 listeners on the web.

15 I'd like to begin by going around the table and
16 having everyone introduce themselves.

17 Joe, if you could start, please.

18 CO-CHAIRPERSON LYOU: Joe Lyou, California
19 Environmental Rights Alliance. I represent the
20 environmental groups on the Committee. And I'm Co-Chair.

21 CO-CHAIRPERSON LEE: Barbara Lee, the Northern
22 Sonoma County Air Pollution Control District, one of the
23 air district seats on the CEJAC and Joe's Co-Chair.

24 ADVISORY COMMITTEE MEMBER KIDOKORO: Good
25 morning. Yuki Kidokoro with Communities for a Better

1 Environment.

2 ADVISORY COMMITTEE MEMBER TAKVORIAN: Diane
3 Takvorian, with the Environmental Health coalition.

4 ACTING ADVISORY COMMITTEE MEMBER REED: Good
5 morning. My name is Ron Reed. I'm from the Karuk Tribe
6 of California. And I'm alternate for Ms. Lenore Volturno.

7 ACTING ADVISORY COMMITTEE MEMBER BABICH: Cynthia
8 Babich, Del Amo Action Committee, alternate for Teresa
9 DeAnda.

10 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Barry
11 Wallerstein from the South Coast Air Quality Management
12 District. I'm the other Air Pollution Control Officer on
13 the Committee.

14 THE REPORTER: Tiffany Kraft. I'm the Court
15 Reporter with Peters Shorthand Reporting.

16 ACTING ADVISORY COMMITTEE MEMBER HERRMANN: Greg
17 Herrmann with City of Burbank, City Planner, alternate for
18 Sue Georgino.

19 ASSISTANT CHIEF COUNSEL COBB: I'm Ted Cobb,
20 Assistant Chief Counsel for the State Water Board. I'm
21 here serving as legal counsel for the Committee today.

22 ADVISORY COMMITTEE MEMBER PRASAD: Shankar
23 Prasad, Cal/EPA.

24 CAL EPA SECRETARY ADAMS: Thank you. And
25 hopefully we'll have a few more members joining us soon.

1 Jose, would you like to introduce yourself?

2 ADVISORY COMMITTEE MEMBER BRAVO: Yes. Jose
3 Bravo with the Justice Transition Alliance in San Diego.

4 CAL EPA SECRETARY ADAMS: Thank you.

5 Again, welcome to all of you. And I won't be
6 able to stay for the entire meeting, but I wanted to take
7 a moment to say that I appreciate the time and effort that
8 you all are putting into making this program a success.

9 Last October, we met and forwarded
10 recommendations for Cal/EPA to consider. Your
11 recommendations helped us focus on the next steps
12 regarding cumulative impacts and precautionary approaches.
13 In my response to your recommendations, I noted that we
14 will move forward with the work in this area.

15 A good part of your agenda today is devoted to
16 the draft Work Plans for the development of the cumulative
17 impacts guidelines and the precautionary approaches
18 guidelines. These are early drafts, and we welcome your
19 recommendations regarding the drafts.

20 I'm also happy to inform you about our
21 solicitation for the second round of environmental justice
22 small grants. Total of \$250,000 is available for this
23 cycle. And I hope that you are all notified. If not, you
24 are being officially notified by me. Applications are due
25 on May 16th, and we expect to announce the grant awards by

1 mid-July. They are a maximum of \$20,000 per grant, and I
2 believe we have applications or will have applications in
3 the room during the course of the meeting. Is that right,
4 Shankar? Are they here yet? Okay. Outside you'll see
5 the grant applications. I think we have a yellow cover.
6 Is that right?

7 And one more item before I turn the meeting over
8 to Joe and Barbara. I want to mention that we do have
9 some vacancies on the Committee. I believe there are at
10 least four at this time. And that some additional members
11 have expressed they cannot continue their participation.

12 I spoke with Joe and Barbara about a process for
13 filling those vacancies, and what we agreed to do is
14 proceed as apparently we have in the past, and that's
15 soliciting applications for all positions. So if any
16 members want to continue to serve, I would encourage you
17 to reapply. And this process will take us a couple of
18 months. So I hope that you will all continue your
19 participation until new appointments are made and you're
20 notified. But I would encourage all of you who are
21 interested to reapply. And if anyone has any comments
22 about that process, I'd be glad to entertain those at that
23 time. Okay. Thank you.

24 CO-CHAIRPERSON LYOU: Thank you.

25 Just for everyone's information, I will be

1 Chairing the first half of the meeting today. And after
2 lunch, my Co-Chair, Barbara Lee, will be Chairing.

3 We've been waiting for you. We did have a couple
4 of people come in during the Secretary's comments, if they
5 could please introduce themselves.

6 ADVISORY COMMITTEE MEMBER ARRIETA: Dave Arrieta
7 representing DNA Associates for big business.

8 ADVISORY COMMITTEE MEMBER ALLEN: Hi. I'm Dee
9 Allen, City of Los Angeles, Department of Environmental
10 Affairs.

11 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: Good
12 morning. I'm Brenda Washington-Davis. I'm with
13 California Farm Bureau representing small, friendly
14 businesses.

15 CO-CHAIRPERSON LYOU: Thank you.

16 Do we have any questions from the Committee to
17 the Secretary -- or I'm not sure. Is she entertaining
18 questions, I guess?

19 CAL EPA SECRETARY ADAMS: Sure.

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: I guess a
21 question is how long are you going to stay today? We're
22 pleased you're here.

23 CAL EPA SECRETARY ADAMS: About an hour.

24 ADVISORY COMMITTEE MEMBER TAKVORIAN: Because I
25 wanted to -- I know that we're moving right into the

1 cumulative impacts and precaution discussions. And I
2 thought the reports were excellent, and I appreciated your
3 response to us. And as you can see, those are really our
4 highest priorities. And having been here since the
5 beginning, we took a couple of years and determined that
6 those were our highest priorities. So since September of
7 2003, we've been talking about those two as our highest
8 priorities. And since really 2005, we've had Work Plans
9 that look somewhat similar to what we have before us
10 today.

11 So I would like to know for your perspective what
12 you think could happen in the next month or two that would
13 really accelerate this process. It seems to us that a
14 work group could be formed. Obviously, you've allocated
15 some resources. But we seem to be really lagging in both
16 of those areas. And I understand that you have not been
17 at the helm that entire time. But for some of us who have
18 been here all that time, it seems like a long time in
19 coming for us to really make progress on these two issues
20 that are so important to our community.

21 CAL EPA SECRETARY ADAMS: Yeah. I appreciate
22 your comments, Diane. And I know that these are very
23 complicated and very difficult issues. And I really
24 applaud people like you who have stuck with us through a
25 change in Secretaries. And I know that we have suffered

1 somewhat by turnover in Secretaries, because each time a
2 new person has to get up to speed. But I certainly would
3 entertain the idea of work groups if you think that would
4 be valuable in moving us a little bit faster.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: Well, those
6 are in both of the Work Plans, and we appreciate that.
7 We've suggested that for quite a while, so we're pleased
8 to see that happening. But we think they need to be
9 formed tomorrow. Today would be good. And if there's
10 anything that you can do to accelerate that, if you're
11 open to that kind of activity, I think all of us would
12 feel like more progress was being made. Because the Work
13 Plans are excellent. I think staff are committed to
14 making these happen.

15 But we're I think frustrated about what we can do
16 to make us move faster at this point. So if we can put
17 that on our agenda today and form those work groups and
18 get started and those dollars can be allocated so that the
19 work groups can start meeting immediately, it seems like
20 that would at least move us in that direction.

21 CAL EPA SECRETARY ADAMS: Shankar, do you see any
22 problem with moving forward right away with the work
23 group?

24 ADVISORY COMMITTEE MEMBER PRASAD: No. In fact,
25 we've seen both the Waste Board and the OEHHA who are the

1 primary leads are here. So they have heard your comments.
2 I'm sure they will during their presentation be able to
3 say how soon they can initiate that process.

4 One more thing we could consider in suggesting it
5 to the Secretary now is that among the members who want to
6 participate, if you provide that kind of information to
7 them, that would start off at least initiating how this
8 Committee will be participating in those work groups. And
9 I'm sure you're recognizing the importance and that the
10 resources have already been located by next meeting,
11 definitely one could try to have one of those meetings or
12 conference calls and so on to go ahead with that. And
13 that's my suggestion. And certainly the two leads, I have
14 talked to them, and they may be able to tell us about how
15 they want to proceed before the end of the day.

16 ADVISORY COMMITTEE MEMBER TAKVORIAN: Okay.
17 Thank you.

18 CO-CHAIRPERSON LYOU: Any more questions? Ron.

19 ACTING ADVISORY COMMITTEE MEMBER REED: Yes. I
20 would just like to note that I will be stepping out at
21 approximately quarter to 11:00 for a meeting with
22 Secretary Adams and I think with the State Water Quality
23 Control Boards. I want to make a note of that.

24 CO-CHAIRPERSON LYOU: Okay. Be happy to
25 accommodate that. And be glad you're having an

1 opportunity to have that meeting today.

2 The next agenda item is actually introductions
3 and opening remarks by the Co-Chairs. I don't have any
4 prepared comments. I just would speak in support of what
5 Diane said that we need to concrete signs of progress.
6 And the formation of the work groups would be just that.

7 There are some agenda issues we need to consider.
8 First is that on the agenda that was provided -- the draft
9 agenda that went out a month ago, we had cumulative
10 impacts being presented before lunch. And the Waste Board
11 has to be at the Capitol for a hearing on their budget
12 this afternoon, so they've asked to be moved to the
13 morning session. And I think everyone who was involved in
14 terms of presenters understood that. And so we were going
15 to move the precautionary approaches conversation to the
16 beginning, and then take our lunch, and then come back for
17 cumulative impacts. I hope everyone can agree to that.
18 Nothing more important than the budget for the Waste
19 Board. So we have to accommodate their needs.

20 Secondly, normally for the Committee we have
21 lunch provided. There's some administrative processes
22 they have to go through in order to do that. Unable to do
23 it because of vacation schedules of staff and so forth
24 today. So we are on our own for lunch. And I guess the
25 quick question is -- and I think we have to make sure it's

1 okay. If we order out pizza and they bring it in, it's
2 okay. If you guys try to do it, you couldn't; right?
3 That's my understanding.

4 CAL EPA SECRETARY ADAMS: It could be fine.

5 CO-CHAIRPERSON LYOU: Okay. So if everyone wants
6 to do that, maybe we can coordinate during the session
7 somehow that we can have lunch brought to us that we would
8 actually order ourselves and figure it out from there.

9 That's the sum of my comments. Any other
10 comments on the agenda or introductory remarks from
11 Committee members?

12 We have a pretty full room here today. I would
13 love to make the time to introduce everyone. I'm not sure
14 that we have the time to do that. And I'm not sure we
15 have the microphone to do that. So what we're going to do
16 is move on in and allow the Waste Board to move forward
17 with their presentation on precautionary approaches. And
18 we're a little bit ahead of schedule in terms of our
19 agenda right now. It would be nice to keep moving.

20 We'll be hearing from Mark Leary, who is the
21 Executive Officer -- Executive Director of the Integrated
22 Waste Management Board.

23 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
24 EXECUTIVE DIRECTOR LEARY: Thank you, Joe. Thank you,
25 Barbara and Joe, for accommodating my conflict this

1 afternoon. I do look forward to a successful budget
2 hearing. And it is important. I won't disagree with that
3 conclusion.

4 My name is Mark Leary. I am the Executive
5 Director of the Integrated Waste Management Board, also a
6 small and friendly government agency. We regulate solid
7 waste in the state of California as well as look for
8 opportunities to move waste from disposal into the
9 economic mainstream via recycling, reduction, and reuse of
10 waste materials.

11 We have the lead responsibility for the
12 implementation of the precautionary approach. On behalf
13 of the Secretary and the Administration and in support of
14 CEJAC, I concur I suppose is maybe the wrong word, but
15 understand and appreciate Member Takvorian's comments. We
16 have lacked progress in some respects over the last 18
17 months. I have a couple of explanations for that, none of
18 which I expect to satisfy you. But we have had some --
19 much like we've had turnover at the Secretary level, we've
20 had turnover at the staff level in our respective
21 organizations. We've been through a couple of project
22 managers that have been responsible for leading the effort
23 in the precautionary approach over the last 18 months.
24 Good people who have left for promotions in other
25 organizations. And currently, I'm here before you today

1 making this presentation, because I don't currently have a
2 project manager for precautionary approach. But we will
3 be selecting one here very readily.

4 I'm here to hear your comments on our approach
5 and implementing the precautionary approach and also to
6 pass on the I suppose one bit of good news. And that is
7 the Board during its -- Integrated Waste Management Board
8 during its February Board meeting allocated \$200,000 for
9 the furtherance of the precautionary approach analysis and
10 development of the guidance called for. And we are going
11 to go relatively expeditiously through a process to select
12 a contractor for the utilization of that money and in
13 support of these efforts. And we look to hire somebody
14 very knowledgeable and very strong in this area. We have
15 the good fortune here in California of having several
16 national if not world leaders on precautionary approach.
17 And so we'll be contacting many of those in an effort to
18 take on the work with us and be our partner in furthering
19 the efforts. And I welcome your suggestions for people in
20 that vein.

21 I understand we're looking to do the contract
22 through probably an interagency agreement which for us
23 means a relationship with another California agency or arm
24 of California State government. But luckily, that
25 includes all the major universities, public universities.

1 In fact, some of the names that have already been
2 suggested to us for contractors in this area are Dr. Amy
3 Kyle at Berkeley; Professor Kranner at U.C. Riverside; a
4 couple other names that also -- Broadman at Berkeley also.
5 So those are a couple of names within our own university
6 system that we will be in contact with and look forward to
7 entering into a relationship with them early on to help us
8 and assist us in this work.

9 As a couple of members already said, the first
10 step in our Precautionary Approach Action Plan is -- or
11 update is the creation of a work group. I'm open to
12 suggestions on who that might consist of as we have the
13 discussion here this morning. We can certainly get that
14 started relatively quickly together with the selection of
15 our contractor have a couple of these key steps underway
16 in the next couple of months. And then we can get the
17 ball rolling in terms of the implementation of
18 precautionary approach.

19 You've seen at least a summary of our Action
20 Plan, our approach to this effort. It's been provided to
21 you. And at this point, I will simply look forward to
22 taking your questions, make note of your suggestions for
23 implementation, and open it up for discussion.

24 CO-CHAIRPERSON LYOU: Thank you very much, Mark.

25 I would just like to note for people watching via

1 Internet that the draft Work Plan produced by the
2 Integrated Waste Management Board is available on the
3 CalEPA website on the Environmental Justice Program
4 section. In addition, there are hard copies on the table
5 outside of the door.

6 CAL EPA SECRETARY ADAMS: Joe, I'm very sorry to
7 have to interrupt, but I wasn't watching my calendar too
8 closely. My Legislative Deputy is here, and I have a
9 meeting in five minutes with my budget chair. So I
10 apologize. I'm going to have to excuse myself.

11 And I did meet with Mark about this issue. And I
12 think the people that he mentioned with U.C. Berkeley and
13 Riverside are very highly regarded, it's's my
14 understanding. I don't know if you know them. But I
15 think that's a good approach. I think what we need to do
16 at Cal/EPA is identify the manager of the project. So
17 we're looking. But like Mark said, he's lost a lot of
18 good staff unfortunately. We won't say we stole them.

19 CO-CHAIRPERSON LYOU: Well, thank you, Secretary
20 Adams, for coming to visit us this morning. I'm sure your
21 staff will report to you all the decisions and discussion
22 that go on today.

23 I believe Brenda had a card up first and followed
24 by Barbara.

25 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: I'll

1 be brief. I had a quick question about the precautionary
2 approaches or work group, will that be a facilitated
3 process?

4 CIWMB EXECUTIVE DIRECTOR LEARY: We would look
5 for our contractor to facilitate the discussions as well
6 as the in-house project manager, so yes.

7 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS:
8 Well, Frederiki is here. And I hope that you consult with
9 her about the facilitator DPR used or their work group.
10 He was very good, very effective.

11 CIWMB EXECUTIVE DIRECTOR LEARY: Thank you for
12 that suggestion.

13 CO-CHAIRPERSON LEE: Mark, I have a question for
14 you. It wasn't clear to me from your Work Plan exactly
15 when and how you're going to do the analysis of the use of
16 precaution in existing programs.

17 CIWMB EXECUTIVE DIRECTOR LEARY: Barbara,
18 actually, the inventory that was originally prescribed by
19 the State organizations to conduct about existing programs
20 has been prepared in draft. And in fact, we're hoping
21 that it's actually been prepared in draft for a while now
22 and almost to the point where I'm concerned it may have
23 grown a little stale. So we're going to refresh that
24 inventory and that analysis and conduct at least
25 internally and provide it to the work group as an initial

1 product for analysis by both our work group and our
2 consultant. So that is another step that we should be
3 able to make fairly rapid progress in the next couple of
4 months in releasing those inventories we've conducted for
5 ourselves but now are ready for input and your thinking as
6 we move forward.

7 CO-CHAIRPERSON LYOU: Great. Jose.

8 ADVISORY COMMITTEE MEMBER BRAVO: I would also --
9 I mean, I occur with Diane in regards to, you know, this
10 has been a long time coming. So I also would like to see
11 if we could go through that task time line again and set
12 some very specific dates. Because I think that this is a
13 little bit open ended. And hopefully we can start setting
14 some very specific dates in regards to who's going to be
15 managing, when that person is going to be hired, other
16 things of that nature.

17 CIWMB EXECUTIVE DIRECTOR LEARY: Happy to take a
18 whack at it if you folks want to spend the time doing
19 that.

20 We've given you our thinking at least initially.
21 It's not likely that the person who will take on the
22 project management responsibilities will be hired. I
23 think we'll probably look to reassign someone currently
24 within the organization who has some familiarity with not
25 only our programs, but other agency's programs and

1 hopefully have some familiarity and passion for this
2 subject. That's, of course, always key to success is to
3 have someone who really cares about this subject and wants
4 to do an excellent job on it. But we will put the call
5 out.

6 The past project manager just left. And so I
7 haven't had a chance to really kind of make the call out
8 to my organization and seek folks who have a strong
9 interest in this subject. Because of the priority of this
10 effort, I'm willing to free them up of their current
11 responsibilities so they can focus on this, but I want to
12 make sure it's the right person.

13 CO-CHAIRPERSON LEE: Mark, so the person who's
14 going to be doing this is not necessarily someone that you
15 need to hire. It's probably someone you already have on
16 staff?

17 CIWMB EXECUTIVE DIRECTOR LEARY: Exactly. That's
18 the point I want to make. Unless we were to come to find
19 that someone we recently hired has some background in this
20 subject area. That's the first and foremost is, you know,
21 passion for this subject, some knowledge and interest in
22 the subject, as well as maturity in our own program and
23 maturity in all the Cal/EPA programs. Because much of the
24 analysis here is not just about bring precautionary
25 approach to solid waste. It's all the environmental

1 programs within Cal/EPA. So we'll be looking for someone
2 with that kind of breadth of experience. Obviously, we
3 won't find one person with all the ideals. But we can get
4 pretty close. And then we can supplement that experience
5 with our management team internally.

6 CO-CHAIRPERSON LYOU: I have Dee and then Diane.

7 ADVISORY COMMITTEE MEMBER ALLEN: Mark, I just
8 wanted to make a comment. And maybe it's there and it's
9 not called out specifically. But as we talk about the
10 stakeholders in the work group, I think it is -- well, I
11 know it's important that we have representations from the
12 Local Enforcement Agency, the LEA. We talk about the
13 regulatory agency, but the LEA is really the enforcement
14 agency that's on the ground with regard to compliance and
15 that kind of thing. And I think their input into what the
16 Waste Board will be doing would be vital, and so I would
17 just recommend that you have representation or input from
18 the LEA.

19 CIWMB EXECUTIVE DIRECTOR LEARY: Well, Dee, would
20 you suggest that local regulatory background be
21 necessarily in solid waste, or couldn't it also be someone
22 else from an APCD who has a regulatory perspective in --
23 because we're looking in the precaution to consider all of
24 the environmental media, not just solid waste.

25 ADVISORY COMMITTEE MEMBER ALLEN: I would say you

1 may want to have both. Because if you're really looking
2 at solid waste, if you're going to start with solid waste,
3 so that enforcement agency for solid waste is something
4 particular to that. But, you know, it may be that you
5 have an LEA rep as well as another enforcement agency as
6 you're looking at that.

7 CIWMB EXECUTIVE DIRECTOR LEARY: Okay. Thank
8 you.

9 CO-CHAIRPERSON LYOU: Different types of
10 decisions and different responsibilities.

11 Diane.

12 ADVISORY COMMITTEE MEMBER TAKVORIAN: Thank you,
13 Mark, for your responsiveness to our comments.

14 I was wondering how long you think it will take
15 to have a contractor come on board.

16 CIWMB EXECUTIVE DIRECTOR LEARY: Well, it's
17 middle of April. We absolutely have to have the money
18 committed before the first of the fiscal year. That's the
19 way our budget -- the allocation of the money and the
20 budget works. If we don't spend it this year, then we
21 lose it. So it will absolutely at the last possible
22 moment be July 1st. But it all depends really on the
23 bureaucracy on the other end of the negotiations and
24 discussions of the contract. If we can work it through
25 our process relatively quickly, but the contractor needs

1 to work it through their process. And, frankly, we've had
2 some struggles in interacting with some of the university
3 U.C.'s in California on other projects. But with some
4 effort on their part and our part, there's no reason we
5 can't have this done by say the first of June, middle of
6 June, if not sooner.

7 I mean, we pick the right person. And again, I
8 throw it open to you all folks to suggest who you think
9 might be best or maybe a team of partners. But that makes
10 it more complex, particularly if a couple of the
11 contractors are with different universities. I don't mean
12 to bog this down with administrative details, but it's the
13 reality, is every university has a separate contracting
14 process. And if we involve multiple partners from
15 multiple universities, that will make it more complex.
16 But absolutely by July 1st, hopefully much sooner.

17 CO-CHAIRPERSON LYOU: I want to clarify. There
18 was a Request for Proposal that went out; right?

19 CIWMB EXECUTIVE DIRECTOR LEARY: No. This is
20 interagency agreement. So we don't have to do it through
21 a competitive process. We can simply solicit a couple
22 folks, and whoever we think is the best match as long as
23 it's within state government, we can move forward.

24 CO-CHAIRPERSON LYOU: There's no deadline to July
25 1st or June 30th?

1 CIWMB EXECUTIVE DIRECTOR LEARY: That's correct.

2 ADVISORY COMMITTEE MEMBER TAKVORIAN: So given
3 that there's these series of unknowns, which I guess we've
4 all learned to live with, could it -- and given that you
5 seem to have some degree of confidence that there's
6 someone within your organization that could take on as
7 project manager relatively soon -- all of those are good
8 assumptions on my part.

9 CIWMB EXECUTIVE DIRECTOR LEARY: I'm optimistic.

10 ADVISORY COMMITTEE MEMBER TAKVORIAN: Would you
11 be open to having the work group start before the
12 contractor comes on in order for the work group to begin
13 to set the groundwork, the context, go over the materials
14 that you've already developed, begin to identify
15 priorities? Because I think if we wait for the contractor
16 to get on board given the unknowns, it could be months and
17 months. And I think the work group can get some work done
18 prior to the contractor coming on. And I think that is
19 reflective of Shankar's recommendation, or thought for
20 consideration, maybe not recommendation.

21 CIWMB EXECUTIVE DIRECTOR LEARY: I'm not opposed
22 to that idea, Diana. I think we could even maybe get some
23 participation by the contractor even while we're working
24 out the contractual details. So I'd hate to get too far
25 along without participation of the contractor. And in

1 fact, if we identified someone, they were willing and we
2 were just working out the contractual details into the
3 future, that person might be willing to participate in the
4 first meeting of the work group. That would be my best
5 outcome, at least in my mind, would be to have somebody in
6 place or participating in the work group from the very
7 beginning so they could contribute meaningfully and have
8 some affect on how the work group goes forward.

9 ADVISORY COMMITTEE MEMBER TAKVORIAN: We have a
10 meeting in May, the end of May. And that would be great
11 if we could actually accomplish that by then.

12 CIWMB EXECUTIVE DIRECTOR LEARY: That sounds like
13 a goal issue to shoot for on our part also.

14 CO-CHAIRPERSON LYOU: Shankar, May 30th is our
15 next meeting? May 30th.

16 If there aren't any other questions from
17 Committee members, I would like to open it up for public
18 comment. I think we're witnessing a first in the history
19 of CEJAC, without a single public comment. Truly
20 unbelievable.

21 CO-CHAIRPERSON LEE: Are we really two hours
22 ahead of schedule?

23 CO-CHAIRPERSON LYOU: Not quite, because we do
24 have Committee discussion and decisions, including perhaps
25 decision on our part as to who from our Committee we would

1 like to be formal members of the work group.

2 Mark, just for my own comment, I would like to
3 thank the Waste Board for putting together a Work Plan
4 that I think was very responsive and true to the
5 Environmental Justice Action Plan that Cal/EPA produced,
6 and especially getting to the thing that I think is most
7 important, and that is the recommendations with regard to
8 policies and statute and regulatory changes that might be
9 necessary to address precautionary approaches.

10 So I'm not sure what other decisions or
11 discussions that our Committee meeting needs at this
12 point. But I think we need to consider trying to get a
13 representative group of stakeholders, nonquorum group of
14 stakeholders from the Committee who could participate in
15 the work group.

16 Dave.

17 ADVISORY COMMITTEE MEMBER ARRIETA: I had a quick
18 question regarding the reappointment of this Committee.
19 What's that timing visive the timing of this work group?
20 Are we going to be members of the Committee to be part of
21 this other exercise?

22 CO-CHAIRPERSON LYOU: That's a really good
23 question. I think given the encouragement from the
24 Secretary for those of us who are reapplying, perhaps
25 those of us who aren't planning on -- those, if there are

1 any, who are not planning not reapplying on the Committee
2 probably shouldn't volunteer because there's not going to
3 be much work done between now and two months from the now
4 when the Secretary makes new appointments.

5 I don't know how else to address that other than
6 the fact that if the Secretary chooses to replace some of
7 us on the Committee, then we will no longer have those
8 assignments to the work group. And I'm sure that it's
9 going to be open to public meetings, and everyone is going
10 to be --

11 ADVISORY COMMITTEE MEMBER ARRIETA: You're
12 talking a couple of months process for developing the new
13 Committee, is that it?

14 CO-CHAIRPERSON LYOU: Yes. That's what the
15 Secretary said this morning. Perhaps before you got here,
16 she said everyone who currently serves on the Committee is
17 encouraged to reapply and that others are encouraged to
18 apply, that we have several vacancies on the Committee.
19 And that it would probably take in total of about two
20 months to make final decisions. And I have been told our
21 next meeting is not May 30th, but May 31st in the Coastal
22 Room.

23 And as for public comment -- I think you might
24 have stepped out right when I asked. Do you want to come
25 up and make a comment? It would be great to hear from

1 you, because we asked for public comment and no one came
2 up.

3 CO-CHAIRPERSON LEE: There's a microphone right
4 next to Mr. Leary.

5 CO-CHAIRPERSON LYOU: Please introduce yourself.

6 MS. STONE: LeVonne Stone, Fort Ord Environmental
7 Justice Network, Executive Director, State of California,
8 Monterey County.

9 Okay. Well, I looked at the subject, cumulative
10 impacts and have to do with health hazard assessment, I
11 don't know exactly what --

12 CO-CHAIRPERSON LEE: I'm sorry. We rearranged
13 the agenda. We're not actually on cumulative impacts. We
14 just had a presentation on precautionary approaches from
15 the Waste Board.

16 MS. STONE: Oh, okay. All right. I am concerned
17 that the precautionary approaches haven't been implemented
18 since we worked so hard on making that a part of the
19 environmental justice recommendations. And so far we have
20 no implementation process. And the fact that I'm also
21 concerned that more communities that have these problems
22 are not involved in environmental justice.

23 And environmental justice doesn't take a
24 vacation, because it's a state of our communities. And I
25 don't think any process should delay, stop, or any such

1 thing when we're talking about dealing with impacted
2 communities. And I'm very concerned that every time
3 there's a change, there is a personnel change, there is a
4 process change that everything that we tried to do or
5 implement is put on hold until such time as someone feels
6 that it's okay to restart the process from the beginning.

7 And I'm also concerned that when you talk about
8 the contractor that I guess I heard that there would be no
9 need to have a public involvement or the public to look at
10 this process and to make sure that we have the best
11 possible person in place. And I heard that a work group
12 should be formed to look at this.

13 And it sounds like we're going in circles,
14 because we are always talking about improving the process
15 and adding more to it when I think that we need to go back
16 to the document that was created and to look at that and
17 to be aware that -- I don't know if this is a public
18 process or not. All I know is I'm here.

19 And it sounds like the rest of the country is
20 moving forward with environmental justice. I attended a
21 conference at Howard University Law School concerning the
22 state of affairs of environmental justice in the
23 United States of America. And it seems as though the
24 Congress and everybody wants to move forward. But here in
25 California, we are in a state of, what is the process? We

1 have developers who's using the word environmental justice
2 now, which is a sock in the face to community people
3 because they're using the word. Didn't even know we were
4 there in the audience and have no contact with the people.
5 Environmental justice is being compromised. It's being
6 pimped, so to speak. And we need to put a stop to it.

7 I sure would like to see more community people
8 who are impacted at the table, and I would like to see a
9 process that we can begin to use and not just have
10 meetings and to talk about certain things, but to have a
11 feeling that the communities that are impacted here in the
12 state of California have a chance to really put their
13 concerns forward and to have them acted on. That's what I
14 would like to see.

15 And concerning the precautionary principle, we've
16 had, you know, the debates that we shouldn't have. It's a
17 simple thing. We want to be careful. We want to prevent.
18 That's what precaution is: Be careful. Prevent something
19 from happening. But yet instead we have all these delays
20 because we're dealing with business more than we're
21 dealing with community because they don't have the
22 resources nor the legal help they need to really
23 participate in a process and get the job done.

24 This process is all about community. It's not
25 about anybody else but impacted communities. We need to

1 take it back where it belongs. We need to put it there.
2 And we need to hear from those people and those
3 communities. That's what I'm concerned about. If someone
4 could address that, I would appreciate it.

5 CO-CHAIRPERSON LEARY: Mark, you're welcome to
6 talk to the subject of how you're going to share public
7 participation, wide-based public participation in your
8 process if you'd like. And you're also free to deal with
9 the questions however you want.

10 CIWMB EXECUTIVE DIRECTOR LEARY: Well, I mean, I
11 can speak to some of these issues specifically to the
12 Waste Board. In fact, I think you'd be quite pleased to
13 see the Integrated Waste Management Board has adopted a
14 number of new regulations requiring public notice above
15 and beyond preexisting public notice requirements for
16 solid waste facilities in the state of California. In
17 fact, pursuant to statute, Assembly Bill 1497 I think of
18 two years ago the Board has adopted an enhanced public
19 process when the Board and the local enforcement agency
20 takes up a solid waste facility permit. So we feel pretty
21 good about the efforts we're making to involve the
22 community around solid waste facilities in regards to how
23 they might be affected by solid waste.

24 So in that respect, the Waste Board is trying to
25 be as responsive as we possibly can be to this issue and

1 the need for public involvement in our decision making.

2 MS. STONE: I appreciate your comments, but I
3 would like to see the public. We're the public. We don't
4 get that information. We don't participate in it. We
5 don't see it. It's not coming to the communities that are
6 impacted that need to see it and need to understand it.
7 And I understand you work within a certain constituency
8 field or whatever you want to call it.

9 But I'm trying to say we need to get the
10 information where it needs to be, where people can read
11 it, understand it, take a part in what is happening. And
12 I haven't even seen the information that you're talking
13 about. It's not your fault. It's not anybody's fault.
14 We just need to have a process where we can get the
15 information that we need and have it understandable. And
16 I don't know how each community can participate in
17 whatever guidelines you're talking about, wherever they
18 came from, comment on them or whatever. But that is the
19 process. That's one of the processes that we're looking
20 for, one of the pieces of the process that we're looking
21 for.

22 CO-CHAIRPERSON LYOU: Can I just interject? I
23 think there are probably two outreach databases that are
24 going to be used in this process. I would imagine your
25 staff has developed a contacts database for people who

1 expressed interest in your precautionary approach efforts,
2 and also Cal/EPA maintains the overall environmental
3 justice database. So we make sure that anyone who has an
4 interest in that, on both of those databases, so they can
5 be notified of any meetings, developments with regard to
6 this matter.

7 MS. STONE: Are all of these communities
8 electronically up to date or knowledgeable or computers or
9 whatever you want to call? Is everybody --

10 CO-CHAIRPERSON LYOU: That's a very good
11 question.

12 ADVISORY COMMITTEE MEMBER PRASAD: For example,
13 the EJ grant process, we made it available on the
14 computer. But at the same time, we mailed a few hundred
15 copies to all the organizations to deliver in our database
16 as a hard copy and those who are interested in getting the
17 applications. So we make an effort every time to make
18 sure that it's not just an electronic database, but we
19 also make an effort to communicate with the people with
20 the groups directly as well.

21 MS. STONE: I understand that with the small
22 grant. But I'm talking about all the other aspects of
23 environmental justice as well and the communication
24 process.

25 ADVISORY COMMITTEE MEMBER PRASAD: We take your

1 suggestion seriously and see what we can do.

2 CO-CHAIRPERSON LYOU: Thank you. I think
3 actually we had Yvonne Porter from Fort Ord Environmental
4 Justice Network who is going to come up. Did you want to
5 speak to this subject?

6 MS. PORTER: Hello. I didn't know if you want me
7 to talk about what you're talking about, because I didn't
8 have a comment for him.

9 CO-CHAIRPERSON LEE: Was your card for the
10 cumulative impacts discussion or for just general public
11 comment?

12 CO-CHAIRPERSON LYOU: General public comment,
13 we'll try to get to that after this presentation and
14 before lunch if we can.

15 MS. PORTER: So I can just go back over there.

16 CO-CHAIRPERSON LYOU: Karen, where did you go?
17 Thank you. Karen Pierce with Bayview Hunters Community
18 Advocates.

19 MS. PIERCE: Good morning. Karen Pierce, Bayview
20 Hunters Point Community Advocates.

21 And I'm sorry I was half-hour late. So it took
22 me a few minutes to get to the back page of this and see
23 what the time line is. And I just wanted to make a
24 comment that if we rely on this time line, it will be four
25 years from the adoption of the State's original guidelines

1 before we get to actual guidelines. I think it's way
2 overdue.

3 There are plenty of jurisdictions around the
4 state that are looking for real guidance in how to adopt
5 and apply precautionary approaches. And we've had three
6 and a half years to get a work group together. I don't
7 think that there is any excuse for taking this long before
8 we actually get something going. A work group should be
9 started now. If a contractor is necessary, that work
10 group should be part of the decision on which contractor
11 will actually carry out the work. That's taking the
12 precautionary approach and environmental justice and
13 applying it correctly. Thank you.

14 CO-CHAIRPERSON LYOU: Thank you for your
15 comments. Are there any other public comments?

16 We can go back to Committee discussion.

17 ADVISORY COMMITTEE MEMBER BRAVO: Is there a
18 response to that?

19 CO-CHAIRPERSON LYOU: I think we're going to note
20 the comment. And I personally share in the frustration
21 and exacerbation on the delays that occurred. I mean,
22 while acknowledging that bureaucracies move very slowly.
23 But when we adopted it, our recommendations report in
24 September of 2003, I'm sure we all expected that we would
25 have made much greater progress by this date. That's not

1 to blame anyone in particular, but just to say that these
2 things are moving very slowly.

3 Dave.

4 ADVISORY COMMITTEE MEMBER ARRIETA: I might just
5 comment that I think the actions that are happening today
6 were really the impetus of Joe and Diane and Barbara in
7 trying to move Cal/EPA to get to this point. I think they
8 expressed frustrations with the way the process was
9 moving. And I think that the letter that the Secretary
10 sent to you guys acknowledges that. So I think everybody
11 has had frustration with the slowness of the process.

12 And it really was the Chairs of the Committee
13 that moved us to where we are now. So it's kind of hard
14 to say that we aren't frustrated, because we are. But we
15 need to move forward, and we need to move forward with the
16 comments that we just got. You know, I think setting up a
17 working group as soon as possible is very worthwhile.

18 ADVISORY COMMITTEE MEMBER TAKVORIAN: Dave is
19 being honest, because I remember him. You were
20 frustrated.

21 CO-CHAIRPERSON LYOU: Just for people's
22 information, we last met in October, and we had adopted a
23 series of recommendations for the Secretary and the
24 Interagency Working Group on environmental justice. On
25 February 15th, Secretary Adams replied to the Co-Chairs

1 and sent corresponding copies to the rest of the Committee
2 members and others with a response letter to our
3 recommendations. And that's what Dave was talking about.
4 Cynthia.

5 ACTING COMMITTEE MEMBER BABACH: I just want to
6 remind folks that a lot of the folks in communities when
7 we're looking for precautionary approaches, it's because
8 we're waiting and waiting and waiting and waiting for
9 science to catch up, which some of us figure I don't think
10 it ever will.

11 So as we move forward -- and I think that there's
12 folks on the Committee who could volunteer to start the
13 work group. And that since we're so far ahead of
14 schedule, that would probably be a good thing to do.

15 But I want to remind folks that it's not that we
16 need to kind of invent a whole new category of things.
17 This is something that's supposed to protect us in the
18 meantime while we wait. And that's not happening.

19 And I looked at the time line also and thought,
20 you know, I know things take time. But if you want
21 action, maybe you need some of the community folks to lead
22 the panel. And we can get everybody started, because
23 that's what we think about all day long is the situations
24 going in our communities, not to take away from any of the
25 other folks who are, you know, dedicating their time to

1 this issue. But essence is really, really key, you know.
2 Babies continue to be born and impacted in these
3 communities. And older folks like me keep kicking the
4 bucket. So, you know, we really need to get moving
5 forward. And a lot of the pieces are here. A lot of the
6 stuff has been laid out. It's just a matter of locking
7 yourselves in a room for 12 or 16 hours and hashing it
8 out, and we'll be good to go.

9 CO-CHAIRPERSON LYOU: Thank you.

10 Jose.

11 ADVISORY COMMITTEE MEMBER BRAVO: So given that,
12 I think the question is then will you be amenable to
13 having this Committee also help with the selection of the
14 contractor? And if so, then we need to move on forming
15 this Committee. And in order to do that, then we need to
16 figure out a protocol here right now.

17 CO-CHAIRPERSON LYOU: I think from our
18 standpoint, we need to get volunteers who would be
19 interested in serving on the work group. And I guess, I
20 mean, the work group will then create its own operating
21 procedures. And the membership will be determined by the
22 Waste Board, I believe. So if it's appropriate, I mean,
23 start putting your hands up, Dave.

24 ADVISORY COMMITTEE MEMBER BRAVO: That's the
25 answer to the second part of the second. The first part

1 of the question was would you be amenable for that work
2 group to be on the selection committee for the contractor?

3 CIWMB EXECUTIVE DIRECTOR LEARY: Have some of the
4 names I've mentioned been amenable to this group? I mean,
5 I think national leadership is here in California as I
6 suggested. So I offered some of the names as a way of
7 getting a feel if this group would be comfortable with
8 those names. I didn't sense any resistance.

9 So I'd be concerned about the time delays built
10 into an external review process of a potential contractor.
11 If we are looking to move forward as quickly as you'd like
12 us to move forward, then I don't know that that would lend
13 itself to a public review process of the selection of the
14 contractor.

15 ADVISORY COMMITTEE MEMBER PRASAD: The current --
16 I mean, Mark, I don't want to put words into your mouth.
17 But at the same time, we must be aware that the working
18 group is not just a part of this Committee. There will be
19 other stakeholder representation as well in that.

20 And this issue of saying that whether this work
21 group will be the decision maker as to who will be the
22 contractor, I think it is a suggestion and recommendation
23 that you make. I think Mark needs to discuss it with his
24 Board and Chairs as well as internally before giving you a
25 positive or a negative answer. I think you cannot put

1 him -- hopefully we are not trying to put him in that spot
2 that this decision has to be committed to you now.

3 CO-CHAIRPERSON LYOU: And there maybe legal
4 requirements preventing him from turning over his
5 authority to turn over the decision to another entity.

6 Barry.

7 ADVISORY COMMITTEE MEMBER WALLERSTEIN: You're
8 planning to sole source this? Are you planning to go out
9 to bid?

10 CIWMB EXECUTIVE DIRECTOR LEARY: There's not time
11 for a competitive process.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: You're
13 going to sole source?

14 CIWMB EXECUTIVE DIRECTOR LEARY: It will be an
15 interagency agreement, which isn't a sole source contract,
16 but an interagency agreement within State government.
17 We'll be able to retain hopefully one of the U.C.
18 professors who have national stature in this subject.

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: So I
20 think what you're suggesting is some sort of informal
21 process by which you could confer maybe with the
22 Co-Chairs, one of which represents government, one which
23 represents environmental justice groups, and maybe we can
24 get one of the business members to agree to informally
25 serve in that manner. And you move this along quickly so

1 that you can address the issues of timing. Because I
2 think everyone appreciates your trying to move at a faster
3 pace so this can be done without the delays that you're
4 concerned about, which I would frankly share.

5 CO-CHAIRPERSON LYOU: And if I'm being asked to
6 do that, of course, the community members and the
7 environmental justice organization members and
8 environmental organization members who have an interest in
9 that, please get in touch with me so we can discuss it
10 prior to me providing any comments to the Waste Board.

11 Barbara, did you have something?

12 Diane.

13 ADVISORY COMMITTEE MEMBER TAKVORIAN: I think
14 that's a great idea, Barry. And so if those initial names
15 can be put forward and the work group can be formed as we
16 suggested within a month, then the work group, I think as
17 Karen suggested, could have input as to the selection. I
18 don't know that she was suggesting or anyone is suggesting
19 that we hold this up and have an external review. But
20 that those qualifications and the folks in their
21 orientations would be reviewed by the work group. They'd
22 have some input about who they would be working with for
23 the next period of time. I think that's all -- I think
24 Karen is giving me a thumbs up here -- that we can move
25 forward with. So there's some level of input, so its

1 background, context, who the contractor is, what their
2 background is, what they bring. And then that will I
3 think make a good start for the work group.

4 CO-CHAIRPERSON LEE: Just to clarify, Diane.
5 You're saying you're not supportive of the discussion
6 Barry made it be the Ad Hoc Committee?

7 ADVISORY COMMITTEE MEMBER TAKVORIAN: I think
8 that's great. That gets it started. There's a series of
9 contractors who can be suggested to Mark and the agency.
10 And then when the work group comes on within a month, I've
11 said a few times --

12 CIWMB EXECUTIVE DIRECTOR LEARY: Hoping it will
13 stick.

14 ADVISORY COMMITTEE MEMBER TAKVORIAN: Then the
15 work group can review those names. I'm not sensing that
16 you can have the contractor selected, but that you all can
17 work together to get a good set of names. That's all I'm
18 saying. And the work group could review those.

19 CO-CHAIRPERSON LYOU: Dave and Barry.

20 ADVISORY COMMITTEE MEMBER ARRIETA: Do you want
21 to respond?

22 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I would
23 respectfully disagree from the standpoint of it seems to
24 me that the essence of a lot of the comments this morning
25 have been that there is a desire to now pick up the pace

1 and move quickly. I hear Mark saying that Mark wants to
2 do that. I also hear him saying that because it has to be
3 an interorganizational agreement that he is going to have
4 a finite number of names. He has thrown out some names
5 some of us recognize and respect.

6 What I would suggest again is have the two
7 Co-Chairs. And I'm assuming Joe will confer with the
8 environmental justice representatives on the Committee.
9 And Barbara will confer with the government folks as well,
10 and get a business person so that there's some buy-in
11 there.

12 But I what I do think is important about what you
13 were suggesting, Diane, is if Mark can get the person on
14 quickly as they're looking at their scope of work and
15 task, I think it would be good for that person to meet
16 with this new Ad Hoc Committee or representatives of this
17 Committee to get kind of the perspective of the Committee
18 that made the suggestion that has led to the study so that
19 they're getting some input as they begin to work and Mark
20 is getting some additional input as he goes to refine the
21 tasks with his contractor.

22 CO-CHAIRPERSON LYOU: Dave.

23 ADVISORY COMMITTEE MEMBER ARRIETA: Yes.

24 Following up on what Barry just said. I volunteer to be
25 the industry person to work with you. And I'll be the

1 first to volunteer to be on the work group. So --

2 CO-CHAIRPERSON LYOU: Hold on one second. I'll
3 make a note of this.

4 So we have two different things we're talking
5 here. One is an Ad Hoc Committee to provide some feedback
6 to the Waste Board with regard to the selection of the
7 interagency contractor. And the second is to actually
8 serve on the work group. And Dave has volunteered for
9 both. I don't think you're going to hear any objections.

10 At this stage, do we need to take a formal action
11 on Barry's recommendation? I don't really hear any
12 dissent about that on the table.

13 ADVISORY COMMITTEE MEMBER TAKVORIAN: Can I just
14 clarify? I mean, if Mark can move quickly and get the
15 contractor together with you all in a month, great. I
16 didn't hear that. So I don't think they're mutually
17 exclusive. The work group is formed. I'm guessing that
18 the Ad Hoc Committee would have no problem conferring with
19 the work group if it were formed to talk about who the
20 contractor is or who the top candidates are, whatever,
21 with not a huge external process. I don't think they're
22 mutually exclusive.

23 I think the intent is to move quickly, and I'm
24 glad everyone is volunteering to do that. And if the work
25 group members can be consulted as well, I think that would

1 make for a good start.

2 CIWMB EXECUTIVE DIRECTOR LEARY: Absolutely.

3 CO-CHAIRPERSON LYOU: We have counsel -- whenever
4 counsel puts up his card, we're going to recognize him
5 right away.

6 ADVISORY COMMITTEE MEMBER COBB: This is not
7 based on any legal training I have, but experience. It
8 does take 30, 40 days to put one of these things together.
9 If you waited until after the work group met, you probably
10 would have put yourself within 48 hours of defaulting on
11 the money by the time it's all done. You're pushing it
12 way too close to the border. And July 1st is a magic
13 date. Cinderella happens on July 1st. The glass slippers
14 go away. The pumpkin, everything goes away.

15 CO-CHAIRPERSON LEE: Because it's the end of the
16 fiscal year.

17 CIWMB EXECUTIVE DIRECTOR LEARY: The money is no
18 longer available to us.

19 Let me suggest that I will -- I've heard the
20 sentiment. I think Barry makes an excellent suggestion.
21 I characterize what you're proposing as testing the
22 waters. Obviously, this project is not going to be
23 successful if I select a contractor that is objectionable
24 to you all. So, you know, it would be wise on my part to
25 take advantage of the wisdom in this room and take

1 advantage as quickly as I can in selecting a contractor to
2 participate on our behalf.

3 Ultimately, the contractor is just a consultant.
4 That person will not be making policy, will not be making
5 regulation. They'll be simply offering guidance.
6 Guidance, the development of which you will be
7 participating in.

8 So Barry, being a fellow Executive Director,
9 knows what it means to manage these processes in a way
10 that ultimately gets to a speedy result, yet has support
11 of the principle constituents. What I commit to doing is
12 moving this process forward aggressively and having the
13 buy-in from the principle constituents in the process.

14 CO-CHAIRPERSON LYOU: And the interagency
15 agreement solid by June 30th.

16 CIWMB EXECUTIVE DIRECTOR LEARY: Absolutely.

17 CO-CHAIRPERSON LYOU: Are there at this stage
18 volunteers other than Dave who would like to serve on the
19 precautionary work group that would be a multi-stakeholder
20 and would include non-members of this Committee, too?

21 I know that Martha Dina Arguello, who is the
22 normal alternate for Teresa DeAnda, has a very distinct
23 interest in precautionary approaches. And I will assume
24 she will be serving on that work group.

25 ADVISORY COMMITTEE MEMBER ALLEN: I have a

1 question. I am not quite ready to volunteer yet.

2 Do you, or maybe Mark, have an idea of the time
3 commitment for this work group? Some sense of that?

4 CO-CHAIRPERSON LYOU: Meaning how often and how
5 long?

6 ADVISORY COMMITTEE MEMBER ALLEN: Yes.

7 CO-CHAIRPERSON LYOU: And how much work. Very
8 good question. Mark, can you answer that for us?

9 CIWMB EXECUTIVE DIRECTOR LEARY: Well, I think it
10 will involve fairly regular meetings, but the meetings
11 will revolve around having products to share and evaluate.

12 As I mentioned earlier, we have these internal
13 inventories that have been conducted within the Cal/EPA
14 agencies about their use of precaution or their perception
15 of their use of precaution in statute, regulation, and
16 policy making. I think sharing those documents with the
17 work group together with the consultant will result in a
18 lot of progress about a kind of a general understanding of
19 how we all perceive precaution and what we need to do to
20 expand that precaution into further policy making.

21 So I see that as a fairly intense effort over a
22 relatively short period of time. We'll share them.
23 You'll review them. We'll have a meeting or two about
24 them and have a general understanding of what they
25 consisted of so we can then go forward and craft guidance.

1 And then with the consultant, we'll go off and do
2 research, share research with the group.

3 How often does this group meet? Quarterly? I'm
4 sorry. I'll retract that question.

5 Let me suggest that I can't imagine the effort
6 would be any more demanding than your participation in
7 this effort. The work group will be additional to your
8 participation in this effort. So there will be work to
9 do. If we're making progress, there will be work to do.
10 And, you know, over the next year, we'll be moving forward
11 and trying to be aggressive as possible in making as much
12 progress as possible. But participation and your
13 involvement will either help make that progress go
14 forward, or it will prevent us from making progress if we
15 can't get meetings together and people can't review the
16 documents as timely as we'd like them to.

17 CO-CHAIRPERSON LYOU: Are you okay with that?

18 Barry.

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I'm very
20 supportive of enhanced public process and participation.
21 And I think that's the way that you will ultimately have a
22 good product at the end of the day.

23 But the quandary that I have is I'm wondering
24 what the Work Plan is for this group if the Secretary is
25 planning to continue this group, because she's asking for

1 applications for membership to this group. And I'm
2 wondering why your group is a separate group as opposed to
3 just bringing those presentations to whoever are the
4 individuals that are on this Committee and --

5 CO-CHAIRPERSON LEE: The short answer to that is
6 because we specifically asked them to form a work group
7 that was not the full CEJAC but was a working group.

8 ADVISORY COMMITTEE MEMBER WALLERSTEIN: So the
9 plan is for more time and participation than these
10 periodic meetings would allow; is that correct?

11 CO-CHAIRPERSON LYOU: Yes. And I think report
12 back from the members of the two work groups that will be
13 formed, reporting back to us on the progress and status.

14 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Next
15 you'll tell me I made that recommendation.

16 CO-CHAIRPERSON LYOU: You may have. We might try
17 to review the transcript for that.

18 ADVISORY COMMITTEE MEMBER KIDOKORO: I remember
19 it distinctly.

20 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I do
21 think it is very important that there is significant
22 participation from whoever is on this Committee on that
23 work group so that the work group and Mark don't go off,
24 develop a product, bring it to this Committee, and then
25 all of a sudden have this Committee say, "Oh, gee, why did

1 you do that?"

2 CO-CHAIRPERSON LYOU: Barbara, you're more than
3 welcome to say something.

4 CO-CHAIRPERSON LEE: Mark, do you have -- you're
5 soliciting participation from people other than those
6 members here. And I'm just wondering what your time frame
7 is for letting people outside this room know about the
8 work group you're forming and when you hope that process
9 will -- I think you said by August 1st, and we're hoping
10 it's quicker than August 1st. We're hoping it's 30 days.
11 So probably those are bookends on what it's likely to be.

12 Because I don't see lots of cards going up and
13 people jumping in, I think folks are trying to figure out
14 what the time commitments would be for your process, what
15 the time commitments are going to be for ongoing CEJAC
16 participation, and perhaps also interested in the
17 Cumulative Impacts Work Group that's going to be discussed
18 after lunch. So we may not get a good indication of
19 Committee member interest and participation in this work
20 group right this minute. It may take folks a day or two
21 to think about it and then come back to you with what
22 they're prepared to do. So if you could give some sense
23 of when you want to hear from folks, that might be
24 helpful.

25 CIWMB EXECUTIVE DIRECTOR LEARY: Great question,

1 Barbara. And as I mentioned, I'm kind of standing in. I
2 know my previous project manager had an idea about going
3 about that. I didn't brush up on those notes in coming
4 here today. I was just wanted to give you a sense of the
5 Board's commitment and the Board's allocation of funds to
6 move this forward.

7 Maybe Shankar has a better sense of what my
8 previous project manager, Eric Bissinger, had in mind in
9 putting that work group. Because I don't remember the
10 details. I know he had some good thoughts about how to
11 construct it. But I don't remember the details. Do you
12 remember, Shankar?

13 ADVISORY COMMITTEE MEMBER PRASAD: The
14 conversations we have had was about the work group will be
15 seven or eight people. And it will report -- besides the
16 contractor representation from other stakeholder groups.
17 And that was one of the things that was mentioned in the
18 Secretary's letter. And we are thinking about three to
19 four members probably from this Committee to participate
20 in the work group as well.

21 CO-CHAIRPERSON LYOU: So we likely have Marta and
22 Dave. And if we could -- some of the members that we're
23 missing are some of the local government members. So if
24 we could get someone from local government that would at
25 least cover those three bases, which is a pretty good

1 stakeholder representation. But that's okay. That just
2 puts the pressure on local government people, some of whom
3 are new people will be applying for the vacant positions.

4 And Cynthia had a comment.

5 ACTING ADVISORY COMMITTEE MEMBER BABACH: So how
6 do members of the public apply to be on the Committee,
7 since word already leaked out and they're chomping at the
8 bit? And they asked me to request that information. Is
9 there a letter of intent or something like that they need
10 to send to you or how would that work?

11 CIWMB EXECUTIVE DIRECTOR LEARY: I don't recall
12 it was --

13 ADVISORY COMMITTEE MEMBER PRASAD: We have not
14 even hit that stage. But you bring up that point. So we
15 have to see how that process will be.

16 The first point we had in mind was to get the
17 contractor in place. And the contractor would be the one
18 to set up the work group and who is part of it. So our
19 primary goal was to get a contract in place and to get the
20 right person on board on that aspect.

21 ACTING ADVISORY COMMITTEE MEMBER BABACH: Do you
22 have something you can copy from the process that people
23 use to apply to this Committee? Because word's out now.
24 It's just going to be a matter of lunchtime and people are
25 going to be pounding on the doors, and some want to get in

1 there first.

2 ADVISORY COMMITTEE MEMBER PRASAD: And outside
3 would be a very small group, as you know. We want it to
4 be a technically qualified group that's also -- that group
5 would be technically group which would get into that
6 aspect of it and bring it to the whole Committee as we
7 move forward.

8 ACTING ADVISORY COMMITTEE MEMBER BABACH: I know
9 you're not suggesting that members of the community and
10 public aren't highly technical.

11 ADVISORY COMMITTEE MEMBER PRASAD: You know that
12 I'm not saying that.

13 ACTING ADVISORY COMMITTEE MEMBER BABACH: I know.
14 I just wanted to clarify that for others before word got
15 out.

16 CO-CHAIRPERSON LYOU: Diane.

17 ADVISORY COMMITTEE MEMBER TAKVORIAN: I'm not
18 going to talk about who made what motion or whether I
19 might agree with Barry, which would be somewhat historic.

20 But I just wonder based on your comments,
21 Barbara, made me think about the fact that our CEJAC Work
22 Plan is a bit vague at this point and that precaution and
23 cumulative impacts are in fact our highest priorities and
24 that, in fact, there's some empty seats around the table
25 that may not get filled for a while. And we're looking

1 for new folks to come on, but that might take some time.
2 So would this Committee -- this is not a question for you,
3 so you don't have to answer this. You can, but would this
4 Committee want to think about whether or not we want to
5 take on, as Barry suggested, both of these roles? Because
6 I'm not sure what our other responsibilities are at this
7 point. And could we manage if we were to meet more
8 regularly than we have been, and would there be some
9 economies of scale of this group becoming the work group
10 for both cumulative impacts and precaution? I don't know.

11 But it seems like we're having a hard time
12 getting folks to volunteer and that we're going to stretch
13 our resources and folks doing those two things and will
14 they do this at all? And so that's a question for the
15 Committee and for the Co-Chairs to see whether that might
16 be something we'd want to consider.

17 ADVISORY COMMITTEE MEMBER ARRIETA: I think if
18 this Committee takes it on as a Committee, we're probably
19 going to slow it down. Because you need -- for this
20 Committee to get involved, you need 30 days' notice, an
21 agenda, lots of due process. And what I was envisioning
22 happening is the kind of exercise that happened when Joe
23 spearheaded the public participation exercise. Lots of
24 conference calls, talking about issues specific that you
25 get a whole bunch of input from a whole bunch of different

1 people, not just from this Committee. And that those
2 things can happen on a moment's notice, because it's not
3 the formal Committee doing the exercise. It can happen on
4 a very scheduled exercise of every couple of weeks a
5 conference call to discuss specific different kinds of
6 things.

7 CO-CHAIRPERSON LYOU: Barbara.

8 CO-CHAIRPERSON LEE: When you were saying you
9 wanted -- you were envisioning input from a whole lot of
10 people other than those on this group, does a group of
11 seven or eight people embrace that?

12 ADVISORY COMMITTEE MEMBER ARRIETA: Not really.

13 ADVISORY COMMITTEE MEMBER ALLEN: Is its
14 including three or four of the -- so it's a total of
15 eight?

16 CO-CHAIRPERSON LYOU: Yes. I believe that's what
17 we were being told. Although I'm sure the Waste Board is
18 going to be open if twelve people are, you know, jumping
19 up and down saying, "We really, really want to do this,"
20 and I'm sure you would be open to that. And, secondly,
21 I'm sure the process would be a public process in which
22 even non-members can participate.

23 CIWMB EXECUTIVE DIRECTOR LEARY: Absolutely.

24 CO-CHAIRPERSON LYOU: Okay. I don't know if
25 there is any action that we need to take at this stage,

1 other than to let Mark go prepare for his work this
2 afternoon trying to secure a budget.

3 CIWMB EXECUTIVE DIRECTOR LEARY: This is great
4 preparation. Tough questions from people on a panel.
5 That's what budget hearings are all about.

6 CO-CHAIRPERSON LYOU: Are there any suggestion
7 for any votes or motions?

8 ADVISORY COMMITTEE MEMBER TAKVORIAN: I guess the
9 question for you is would you be open to my thought?

10 CIWMB EXECUTIVE DIRECTOR LEARY: I'm happy. I
11 mean, as Joe suggested, it is going to be a public process
12 that will go forward. And if the whole CEJAC shows up, I
13 don't know it's under the formal context or informal
14 context. We're happy to have as many eyes and as much
15 thinking behind this as we possibly can put forward.

16 CO-CHAIRPERSON LYOU: If we all show up, we might
17 run into some Bagley-Keene issues. But --

18 ADVISORY COMMITTEE MEMBER COBB: Let me point out
19 your own bylaws specify any committees or other groups
20 formed by CEJAC are subject to the same rules as this
21 Committee in terms of public notice. So you can't by your
22 own bylaws create a subcommittee or working group that is
23 exempt from those things.

24 CO-CHAIRPERSON LYOU: I think that's a good
25 question. I don't know if it would be a formal

1 subcommittee or membership on a separate work group.

2 ADVISORY COMMITTEE MEMBER COBB: If the work
3 group is formed by him with recommendations from you as to
4 the membership, then it would not be. But if this
5 Committee creates the subcommittee or the working group,
6 then you have that problem. So you need to be careful how
7 you do this.

8 CO-CHAIRPERSON LYOU: That's why we have
9 attorneys.

10 So I think under our current consideration, not
11 withstanding Diane's recommendation we consider something
12 different, Barry's suggestion perhaps we do that, that we
13 would have volunteers who would serve on a Waste Board
14 work group, not necessarily bound by our bylaws.

15 Barbara.

16 CO-CHAIRPERSON LEE: I personally, as you might
17 have guessed from my earlier comments, am trying to figure
18 out what the workload is going to look like. And, you
19 know, reapplying to this Committee and what that looks
20 like and the Cumulative Impacts Work Group and what that
21 looks like. I'm not personally prepared to say whether I
22 want to participate. And I am guessing that there are
23 others on this Committee who feel the same way.

24 So what I would like to suggest is that you be
25 open to floating the exact number of members on your work

1 group. If you got four or five CEJAC members who were
2 really interested and passionate about this and wanted to
3 participate, I would hope you entertain that. If you only
4 get two, then you only have two. But I don't think we're
5 going to come to any greater closure on this now. So
6 that's my suggestion, Joe.

7 CO-CHAIRPERSON LYOU: Okay. I was getting public
8 comment cards, so I think I understood what you said. I
9 think I agree.

10 Cynthia.

11 ACTING ADVISORY COMMITTEE MEMBER BABACH: I just
12 want folks to remember that you have to have enough of the
13 people who kind of have been going through this process,
14 which I know nobody is suggesting you don't, because you
15 don't want to lose the vision of the whole thing. So I'm
16 just getting worried that this just seems like we're
17 making it more complicated than perhaps it is.

18 CO-CHAIRPERSON LYOU: Okay. I think what we are
19 going to do is -- we do have general public comments. We
20 are I believe ahead of our agenda right now.

21 ADVISORY COMMITTEE MEMBER ARRIETA: Don't we want
22 as a Committee to endorse the proposal and encourage that
23 he move as fast as humanly possible, as fast as
24 bureaucracy will allow him to get this work done?

25 ADVISORY COMMITTEE MEMBER TAKVORIAN: Second.

1 ADVISORY COMMITTEE MEMBER KIDOKORO: Second.

2 CO-CHAIRPERSON LYOU: Humanly possible and
3 bureaucratically possible are two different things. But a
4 motion on the table is to endorse the Work Plan that's
5 been presented to us and to encourage the Waste Board to
6 move as promptly as possible in the implementing of the
7 that Work Plan.

8 Is there any discussion on that motion? Hearing
9 no discussion, bring it to a vote. All in favor?

10 (Ayes)

11 CO-CHAIRPERSON LYOU: All opposed?

12 Motion passes unanimously. And that would
13 actually go directly to the Secretary and Interagency
14 Working Group to be passed on formally to the Waste Board.

15 We actually will have an opportunity -- and we'll
16 try to break for lunch at noon. We'll have an opportunity
17 to go into cumulative impact.

18 Before we do, I'd like to provide a public
19 comment period for more general issues which didn't show
20 up on the official agenda. But there are some community
21 members and other representatives here who I think have
22 general comments with regard to CEJAC issues that were not
23 regular public comment. So I believe that Yvonne Porter
24 from Fort Ord Environmental Justice Network would have a
25 comment. And I'm not sure I have any other comment cards

1 for public comments, but you're welcome to speak at this
2 time before we go into cumulative impacts.

3 MS. PORTER: Hello. My name is Yvonne Porter.

4 CO-CHAIRPERSON LYOU: Make sure your mike is on.
5 Talk right into it.

6 MS. PORTER: My name is Yvonne Porter, and I'm
7 with Environmental Justice of Fort Ord. And my concerns
8 are homeless, jobs for Americans. And I'd like to know
9 how we can get those jobs back, how can we get affordable
10 housing for these people, and the jobs back in the
11 community. And that's what I want to know.

12 CO-CHAIRPERSON LYOU: Thank you.

13 MS. PORTER: That's it.

14 CO-CHAIRPERSON LYOU: And it's not a subject this
15 Committee has actually directly taken on other than the
16 context of Midway Village. And I don't know if anyone has
17 any comments or suggestions.

18 MS. PORTER: Well, environmental justice in
19 Marina, that's what we do, or partly what we do. I won't
20 say that's fully what we do.

21 CO-CHAIRPERSON LYOU: I know there's experience
22 about this, Jose, Diane, on our Committee. So if there
23 was any comments --

24 MS. PORTER: Okay. They have like jobs that are
25 being done in Fort Ord, and I see a lot of people that are

1 being brought from other communities, other states to do
2 these jobs. And my question is basically, the community
3 people, why can't they have those jobs instead of having
4 people brought in, if you know?

5 CO-CHAIRPERSON LYOU: Okay, well, that's a
6 question that's very interesting. And from my own
7 personal experience, I was involved in negotiations of a
8 community benefits agreement with Los Angeles World
9 Airports over the modernization of LAX. And in that
10 agreement, we reached agreement on first source hiring and
11 job training programs with the airport, and we're actually
12 somewhat successful so far in getting the Federal Aviation
13 Administration to fund that process. And so there may be
14 an example. I can talk to you during a break about what
15 we did and put you in touch with the organization that led
16 that effort.

17 But Jose just happens to work for an organization
18 called Just Transition Alliance that deals with jobs and
19 environmental justice issues. So can I put the spotlight
20 on you for a little bit, Jose?

21 ADVISORY COMMITTEE MEMBER BRAVO: You can. And
22 maybe there's a couple things that we need to clarify
23 first. Do you want maybe some kind of communication from
24 this Committee to your local redevelopment area?

25 MS. PORTER: Yes, I do. Because like I said,

1 they're hiring people from outside of California, and
2 they're creating a lot of homelessness and poverty to
3 people that are already here that could do those jobs.
4 And I don't know if anybody sees them or not, but they
5 need some assistance.

6 ADVISORY COMMITTEE MEMBER BRAVO: What types of
7 jobs are we talking about?

8 MS. PORTER: We're talking a whole lot of
9 different jobs, all the way from construction to mopping a
10 floor. We're talking about a lot of different types.

11 ADVISORY COMMITTEE MEMBER BRAVO: Any kind of
12 contamination cleanup stuff?

13 MS. PORTER: That, too.

14 ADVISORY COMMITTEE MEMBER BRAVO: Because I think
15 that we at some point need to take up the issue that when
16 we talk about precautionary approaches, cumulative
17 approaches, and other things of that nature, we have to
18 make sure we talk about the full gamut, the health
19 impacts, the labor, the worker impact, the community
20 impacts, and the community's right to be self-sufficient
21 and self-sustaining. And I think that at some point -- I
22 don't know what the process would be, but maybe if you
23 can -- individually, if you can come up with the letter
24 that we could individually sign onto to support your
25 efforts to bring jobs to your community, I would be more

1 than willing to do that.

2 MS. PORTER: Yes. I am.

3 CO-CHAIRPERSON LYOU: I'd recommend that you
4 speak with Jose, too, during a break to get his contact
5 information and learn a little bit more about what he's
6 doing.

7 Diane has a comment.

8 ADVISORY COMMITTEE MEMBER TAKVORIAN: The only
9 other thing I would say, I would agree with Jose's
10 comments, and also we've had experience with an agreement
11 such as the one that Joe had, and that worked very well
12 for local hiring preference.

13 The other is I think you'll see the cumulative
14 impacts analysis and approach should and I think suggests
15 it will look at socioeconomic factors like housing,
16 homelessness, jobs, and poverty, and how those are
17 certainly factors that play an important role when you're
18 looking at exposure to toxic chemicals, whether they be on
19 the job or in the community.

20 So I think this Committee has made a commitment
21 to say it isn't just a one source kind of analysis that
22 we're doing, that we're really looking at someone's whole
23 community, at their whole lives, at all of the factors
24 that impact their ability to have a high quality of life
25 and raise a family in a positive way. So I think the

1 issues you're raising are very relevant.

2 MS. PORTER: Those jobs that are being done now
3 over there, they were promised to the community. And like
4 I said, they brought them in from somewhere else and to do
5 those cleanups and build. And I'm trying to figure out
6 what happened there. No one knows.

7 CO-CHAIRPERSON LYOU: Thank you for coming and
8 raising the issue with us. Oh, Dee.

9 ADVISORY COMMITTEE MEMBER ALLEN: This is just a
10 thought. And I would add that as we're looking
11 specifically at the precautionary principle or cumulative,
12 that as we're looking at the guidelines that we're going
13 to propose, that we also take into account the issues that
14 she's raising. So as a work group, that's one of the
15 things that we would be looking at in terms of how to
16 overall clean up the community. Because if you're talking
17 about identifying the issue and the mitigation, there can
18 be various kinds of mitigation to get to what you want for
19 the community. So I would suggest as we're defining the
20 work program for those groups that we keep that in mind.

21 CO-CHAIRPERSON LYOU: We have one more public
22 comment on general issues, and that was Arthur Boone, I
23 believe it is, from Oakland.

24 MR. BOONE: My name is Arthur Boone. I'm the
25 Education Chairperson for the Northern California

1 Recycling Association. And I just was not aware of the
2 existence of this body. I had you confused originally
3 with the AB 32 EJ Advisory Committee. I'm trying to
4 straighten things out. There are a couple of issues I
5 want to bring to your attention that I think are
6 important.

7 I'm a member of the local Sierra Club. We have
8 recently contributed to a lawsuit that involved the plan
9 of the city to build 32 housing units on the waterfront
10 development. Much of that has to do with general plans
11 and some issues about waterfront access. The part of the
12 lawsuit that attracted my attention was the fact that I
13 believe fairly recently there has been some fairly major
14 statements said about air pollution and coming off of
15 freeways and the building of housing property, especially
16 for children. Many years ago I realized the air standard
17 in this country were built primarily for grown-ups, not
18 for children.

19 And the reason that I supported the Sierra Club's
20 contributions to that lawsuit was because of the issue of
21 children living near freeways. I happened to live next to
22 a freeway for a while, and I was amazed at the amount of
23 dirt that comes in through the window. It's a whole
24 different thing if you live half a mile away versus living
25 100 yards away. The idea of little kids getting all that

1 stuff in their lungs I think is really impressive. I
2 think anything you all can do to bring that issue to the
3 floor.

4 I told the Club if we could get a judge -- I
5 don't know that a court of competent jurisdiction has yet
6 spoken at this state on that subject. But I believe that
7 it's a public policy error to locate housing with public
8 support close to freeways. We either have to clean up the
9 freeways or we have to move the housing, but we can't do
10 what we're doing.

11 The second thing I'd like to say is I was the
12 Chairperson on the City of Oakland's Waste Reduction and
13 Recycling Commission in 1990. And one of the questions I
14 asked when it came time to -- we were beginning to discuss
15 the curbside contract. I said there's 500 guys already
16 out there with push carts who are doing all the recycling
17 in the flatlands of Oakland. Why do we need to pay some
18 big truck to drive around to do this? And everybody
19 laughed at me, because the people who designed recycling
20 policy in this country middle class types who want to make
21 recycling easy for their parents -- that was when we were
22 hippies 20 years ago.

23 We went and looked at the records, and what we
24 discovered was in the city of Oakland in the year before
25 we started the curbside, we were paying out \$5 million of

1 State Department of Conservation money through the local
2 buy-back facilities in the city to essentially what I call
3 the indigenous haulers. I won't call them scavengers. I
4 won't call them thieves. I call them indigenous haulers.
5 And they were in business before the curbside programs
6 came along. You following that?

7 So when the curbside business got put out there
8 for their point of view, it made life a little bit easier.
9 I've had friends who have been taken to court by the
10 municipal police saying they're stealing from the
11 curbside. I've had residents go to court with these
12 people and say, "This guy, he's my personal hauler. The
13 City can make any contract they want with some big garbage
14 company, but this guy is my recycler." And the court, the
15 judge, dropped the case.

16 So I think -- and there's a tremendous amount of
17 money now. That's when we had one cent per bottle. Now
18 we have five cents per bottle. People who are tired of
19 general assistance, people who want to be self-supporting
20 who are -- you think pushing a cart is fun? You try it
21 for eight or ten hours a day. It's hard work. But
22 there's a lot of people who are getting serious money into
23 their pocket.

24 I spent some time in China a while ago. That's
25 the way recycling gets done in China. They don't have the

1 kind of income flows that we do in this country. And so
2 everybody recycles. You look in the trash, you see all
3 these cans and bottles and stuff. When you go to the
4 dump, it's all gone. Because little people out there
5 always intersecting the material, pulling out the goodies.

6 And so I think that the -- I think because of the
7 fact that people -- frequently minority people of our
8 country have been basically at the lower ends of the
9 economic stream that recycling is a much more attractive
10 activity to them than it has been to a lot of the more
11 bourgeois members of our society. And I think it's
12 important that the kinds of policies -- and interested in
13 precautionary stuff. But I'm interested that the policies
14 that this group can support make sure that these people
15 have a fair stake. Because the big garbage companies are
16 glad to run their trucks. And even if everything is
17 already gone, because the little people are already doing
18 the recycling, the big garbage companies get paid. And I
19 think a group like yours is the ones who are most likely
20 to speak up for the little guy. Thank you.

21 CO-CHAIRPERSON LYOU: Thank you. First, Arthur,
22 thanks for coming and offering your comment. The AB 32
23 Climate Change Environmental Justice Advisory Committee
24 will be meeting soon. When?

25 MR. BOONE: I went to that one.

1 CO-CHAIRPERSON LYOU: So that is coming up soon.
2 We are not them. I'd let Barbara answer the first part.
3 Ted had a --

4 CO-CHAIRPERSON LEE: Just on the subject of
5 construction near freeways and the exposure of children to
6 exhaust from the traffic, I don't know if you're aware,
7 but the State Air Resources Board as part of its
8 Environmental Justice Program developed land use guidance
9 that specifically speaks to that issue. And I would
10 encourage you to take a look at it. It might be helpful
11 to you in some of what you're trying to do.

12 MR. BOONE: I think I'm aware of that. But I'm
13 also aware that when we get the State Supreme Court to say
14 this is a matter of policy of the State, I think it would
15 be a great point.

16 STATE WATER RESOURCES BOARD ASSISTANT CHIEF
17 COUNSEL COBB: I just want -- if you didn't see in the
18 Sacramento Bee the front page article about three weeks
19 ago in which the study they reported on concluded anyone
20 within a mile of a freeway had a measurable effect. I
21 mean, obviously the further away you are, the less
22 measurable. But still, a mile is a long way, much farther
23 than you suggested there.

24 The second thing is -- this is completely
25 irrelevant why I'm here. But I once was the Chair of the

1 Sacramento County Recycling -- we set up the recycling
2 program in Sacramento County through the departments and
3 the county government. One of the problems with what you
4 suggest is the people who are the indigenous recyclers
5 take only the most valuable. And in a full waste stream,
6 the most valuable really subsidizes the least valuable.
7 You're trying to recycle a whole spectrum. And some of it
8 wouldn't pay for itself, and some of it does. That's why
9 it is a problem for people to take advantage of those
10 baskets out on the curb.

11 MR. BOONE: Right. I understand.

12 CO-CHAIRPERSON LYOU: Dale, just to pin this on
13 you, can you make sure Art has a copy of the land use
14 guidance documents?

15 MR. BOONE: Thank you.

16 CO-CHAIRPERSON LYOU: LeVonne, you want to talk
17 with us before we can get to cumulative impacts? And if
18 we can get to cumulative impacts maybe by 11:00 or so --

19 MS. STONE: Thank you, sir, for those comments
20 that you offered.

21 CO-CHAIRPERSON LYOU: Let me finish. We can
22 spend 45 minutes. I think we should be at least through
23 the presentation and the questions before lunch. We still
24 have to figure out ordering lunch though so --

25 MS. STONE: Okay. Are you ready? Okay. Okay.

1 What are the reasons why we're talking about the
2 jobs because we feel like now we can include the rest of
3 the environmental justice of what environmental justice is
4 all about. We have now what is called an agreement of
5 consent which combines cleanup with reuse, whereas at
6 first, we were told we could not talk about cleanup in
7 reuse meetings or reuse in cleanup meetings. And it has
8 divided the purpose of environmental justice in our
9 communities and what we can do.

10 The State of California, U.S. EPA, and the
11 Department of Justice has to make a decision on whether or
12 not we should have our reuse -- so-called reuse authority
13 to take over the cleanup from our polluters, which is the
14 Army. And we feel like this is a kick in the teeth. Why
15 after all this time we have been told we couldn't even
16 discuss them in the same arena, now since the community
17 has been worn down, now we can combine them and have the
18 reuse people to do cleanup and to bring in anybody that
19 they want from wherever they want into our community even
20 to do the work without our input?

21 I attended a reuse meeting on Friday. And they
22 talk -- they had a contractor or developer get up and do a
23 PowerPoint presentation where they say that they were
24 working within the environmental justice ramifications.
25 That was appalling to us. They will have a meeting here

1 in Sacramento on April the 30th, the Legislature, to
2 decide too that whether or not this should take place.

3 We are in a state of very serious things
4 happening here in California, because what we lead out
5 affects the rest of the country. We had 71 organizations
6 from around the country who signed on with us opposing
7 this agreement of concept. And we would like to make note
8 of that. I also have a copy of the document that I would
9 like to turn in.

10 I also would like to bring your attention to the
11 fact that northern California, which my northern is from
12 where we are to San Francisco, we are not -- our
13 environmental justice groups are not represented here at
14 the table on the CEJAC in California. And I know that I
15 need to be. And if I cannot, I want somebody to tell me
16 why. Don't just tell me, our guidelines decided we pick
17 somebody else. We're not being heard. We're not being
18 represented.

19 I would also like you to make note of the fact we
20 would like to make a presentation at the next meeting. We
21 hear other people being listened to, given meetings,
22 meeting with different people, Governors, Secretary, and
23 all that. We would like the same opportunities.

24 Our community group is dealing with a very large
25 area of California. And we need to be included in all of

1 the laws, the regulations, the agreements, whatever is
2 taking place. And we need to have this information
3 understood by our communities about what we can do. We
4 have to do it by ourselves. Because the regulators or
5 whatever it is in our community is going along with the
6 local officials, and we're being trampled over. We just
7 would like to let you know that it is a very, very serious
8 affair when we're talking about environmental justice in
9 the state of California. And if you continue to let this
10 go on and to keep us out, we're going to be looking at
11 some very serious ramifications. That's all I can say.

12 We have development going on where old buildings
13 lead-based paint and lead being torn down where there's a
14 chain-link fence dividing the residences that the people
15 are living in and the demolition process. Some of the
16 buildings were being burned right next to these people
17 residences before they were torn down. They were told to
18 go inside and close their doors. We have taken pictures
19 all over the place. Buildings are coming down. Dust is
20 flying all over the place, lead-laced dust.

21 We get documents from the State of California,
22 one of them saying we've given an exemption to this
23 developer because they agreed to turn over the property.
24 And somebody said let's make sure the lead is cleaned up
25 out of the soil so we'll tell the developer, you must now

1 do some more cleaning to make sure the lead is cleaned up,
2 and the developer volunteered to do it. Then we get a
3 copy of some notice that went out after the fact. Was not
4 involved up front. Did not have any participation. No
5 comments in the documents. This is what we're dealing
6 with, and this is what we've been talking about all the
7 time. When do we get somebody to understand what is
8 happening and that there is no public participation?

9 And I've been coming here and coming here and
10 still don't seem to have an understanding from the people
11 who are here to work on our behalf what is going on with
12 us.

13 So I wanted to make those statements. And thank
14 you for listening. And I hope somebody heard what we had
15 to say here.

16 CO-CHAIRPERSON LYOU: Thank you.

17 Anybody else interested in commenting?

18 MS. STONE: Can I have reaction to my request?

19 CO-CHAIRPERSON LYOU: I think the Agenda
20 Committee can officially consider her request, right, to
21 make a presentation when we prepare for the next meeting?
22 So we will take that part of it at least. And that agenda
23 Committee includes myself, Barbara, and Dave.

24 ADVISORY COMMITTEE MEMBER COBB: Her other
25 request was for other groups to be on the Board. And

1 obviously, the Secretary's invitation is very much on the
2 table and there are applications.

3 CO-CHAIRPERSON LYOU: Make sure you get the
4 application and to apply to this Committee at the end.

5 ADVISORY COMMITTEE MEMBER PRASAD: You can always
6 call me or we can talk later. If you want to come and
7 meet with the Secretary, I will try to work that out with
8 a time and so on. So we have not closed the door on
9 anybody.

10 And also I will make sure to touch base with the
11 Department of Toxics why with the cleanup part as to
12 what's happening and try to get back to you with that.

13 MS. STONE: Thank you. I hope so. I hope we can
14 get something going here.

15 CO-CHAIRPERSON LYOU: I'm going to do a quick
16 survey. I think the next thing you need to consider is --
17 this goes for members of the audience, too. If you'd like
18 us to order you some food, we're going to order pizza from
19 a local place and have it brought in. Drinks you can get
20 downstairs at the cafeteria pretty quickly I think if
21 you're interested in that. And there's obviously coffee
22 and water I think in the corner.

23 So if -- you have to contribute, or I'm going to
24 get stuck with the bill, however you want to do that. If
25 you really want me to.

1 And I guess we'll just -- I know there's people
2 who are vegetarian, people who love to eat meat. All
3 those in favor of pepperoni, could you raise your hand?
4 Me and Dave are the only two people that eat pepperoni?

5 You can also go out and get your own lunch.

6 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Is there
7 some time constraints where you're desiring to work
8 through lunch?

9 CO-CHAIRPERSON LYOU: No. I'm desiring to order
10 the pizza.

11 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Count me
12 out.

13 CO-CHAIRPERSON LYOU: You're going to run over
14 and do some testifying I guess.

15 Anyone else? Dave, we might be stuck with
16 vegetarian. Is that okay with you?

17 Anybody else want to eat here and not have to go
18 out? Or otherwise we can just go downstairs, go across
19 the street, whatever, as long as we get back within an
20 hour we're okay. Okay. We'll do that. Forget the pizza.

21 Can we move on then to the cumulative impacts
22 presentation? If we can get through the presentation and
23 the questions and as far as we can get before noon, that
24 would be great. We're going to hear from the Office of
25 Environmental Health Hazard Assessment, John Faust and --

1 OEHHA CHIEF DEPUTY DIRECTOR HIRSCH: We'll be
2 hearing from John, but my name is Allan Hirsch. I'm Chief
3 Deputy Director at the Office of Environmental Health
4 Hazard Assessment.

5 CO-CHAIRPERSON LYOU: Thank you, Allan.

6 (Thereupon an overhead presentation was
7 presented as follows.)

8 MR. FAUST: Thank you. I have a pretty brief
9 presentation today. I'm sure there will be some
10 questions. I would like to use my time to describe our
11 Work Plan with respect to the cumulative impacts project
12 for the coming year. At this point, we are receiving
13 additional funds to support OEHHA's activities through the
14 2007-2008 fiscal year. And my purpose today is to share
15 with you the revised plan for the coming year and present
16 an opportunity for you to provide comment and add
17 direction to the project.

18 --o0o--

19 --o0o--

20 MR. FAUST: An established goal from Cal/EPA EJ
21 Action Plan is for OEHHA to lead the effort to develop
22 guide on cumulative impacts assessment. And a core piece
23 of the next phase of work will be the formation of a
24 Cumulative Impacts Work Group. The project plan also
25 includes work on several different fronts simultaneously.

1 On this slide, I've outlined additional elements of the
2 effort in the coming year. I'll give a little more detail
3 shortly and then present the time line toward the end of
4 the presentation.

5 --o0o--

6 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Sorry.

7 Could I ask you a question? I appreciated your
8 presentation last we met, but could you tell us very
9 specifically what you've done since the last meeting?

10 MR. FAUST: We've pulled together the Work Plan
11 with the expectation we're going to have considerably
12 greater resources directed towards this project, expanding
13 it quite a lot in ways I'll describe.

14 So as I said, a central feature of the coming
15 work will be the establishment and convening of a work
16 group which will be providing advice and recommendations
17 to OEHHA concerning the cumulative impacts project.

18 Another piece will be to identify regulatory
19 activities that present opportunities to consider
20 cumulative impacts. Another is to develop better
21 analytical tools for evaluating cumulative impacts and to
22 use exploratory data sets which might help illustrate how
23 guidance might be implemented. And finally, the work
24 focuses on the development of guidance on cumulative
25 impacts.

1 --o0o--

2 MR. FAUST: To look at this one piece at a time,
3 an early priority is to establish a work group. The
4 purpose of the work group is to provide technical
5 expertise in relevant subject areas and to present a
6 diverse set of stakeholder interests.

7 The size of the group will be approximately eight
8 to twelve individuals and will seek representation from
9 environmental organizations, community groups, academia,
10 industry, agriculture, and regulatory agencies.

11 A primary function of the group is to advise us
12 in the development of guidance on cumulative impacts. The
13 group is expected to meet approximately four times per
14 year -- four times over the coming year. And work group
15 members will be reimbursed for travel, but otherwise not
16 compensated for participation.

17 And we'd like to today ask that two to three
18 members of this Committee designate themselves as
19 representatives to participate with this group.

20 --o0o--

21 MR. FAUST: So another important piece to the
22 project is to identify effective ways to incorporate
23 cumulative impacts analysis into decision making. This
24 effort requires a systematic look at how different
25 specific types of environmental decisionmaking is done.

1 The product of this activity will be an inventory of
2 processes that are suitable for incorporation of
3 cumulative impacts analysis. And important issues to
4 consider as this piece of the project develops are
5 jurisdictional issues, the existing basis for a given type
6 of decision, the ease of implementation, any obstacles to
7 changing how decisions are made, and magnitude of the
8 likely benefit.

9 --o0o--

10 MR. FAUST: Another major area of effort is in
11 the development of better analytical tools to characterize
12 the magnitude of impacts from exposures, public health,
13 and environmental effects from pollutants on a geographic
14 basis as recommended in our working definition.
15 Additional work will also be dedicated to determining
16 community attributes that may affect vulnerability to
17 those pollutants as well. It's expected that tool
18 development should be matched to the type of decision that
19 it's being used for.

20 This is an area where we would welcome suggestion
21 and input from the Committee as we move forward. So in
22 formulating recommendations regarding cumulative impacts
23 analysis, does the CEJAC have specific suggestions for a
24 way or ways to measure cumulative impacts?

25 --o0o--

1 MR. FAUST: Another piece of the project involves
2 bringing together exploratory data sets to help inform the
3 development of guidance. The data sets should represent
4 community level environmental justice problems and may
5 include urban, agricultural, rural or border communities.

6 Given the time line for the project, there will
7 be a heavy focus on the use of existing public data or
8 communities that have perhaps been the subject of some
9 study already. And this is another area where input from
10 this Committee would be helpful. With limited resources
11 for gathering data, are there specific communities or
12 types of community that should be considered here?

13 --o0o--

14 MR. FAUST: So finally, the ultimate goal -- one
15 of the ultimate goals of Cal/EPA's EJ Action Plan is to
16 develop guidance on the assessment of cumulative impacts
17 and to make recommendations regarding implementation
18 options. Currently, we consider the development of what
19 we call the framework achievable in the coming year. Our
20 vision is that this will serve as a starting point for a
21 later process of guideline development which will be more
22 technically detailed. A framework will be developed with
23 the adopted definition in mind focusing on the analysis of
24 cumulative impacts on the geographic basis and taking into
25 account socioeconomic factors.

1 And this leads me to a final set of questions
2 where we would welcome Committee discussion here. Does
3 the type of decision for which a cumulative impacts
4 analysis is applied shape the nature of the guidance that
5 should be developed? If yes, how? And are there specific
6 types of decisions that the guidance should be directed
7 towards or address?

8 --o0o--

9 MR. FAUST: On this slide, I presented a time
10 line for work in the coming 15 months ending roughly with
11 the fiscal year in mid 2008. But following the execution
12 of the contract, funding this piece of the project.

13 For the first five months, the work will focus on
14 forming and convening the work group. Another earlier
15 activity will be the development of subcontracts to
16 perform work related to the element of opportunity
17 assessment, analytical tool development, and exploratory
18 data set development.

19 The second five months will be geared towards
20 initiation of guidance development with the work group and
21 beginning to integrate the expected work products
22 performed by subcontractors.

23 And the final five months will involve continued
24 work group activities providing input and revision and
25 editing of the draft framework. In addition to the work

1 group forum, a public forum or workshop will be conducted
2 on the final draft product of the guidance leading to
3 final revision.

4 --o0o--

5 MR. FAUST: So our expected steps in the near
6 term involve recruitment and selection of the work group.
7 We expect to release a call for nominations at a point
8 where project funding is secure. And also in the near
9 term, we're going to work through the details of
10 developing the subcontracts for the different -- other
11 elements of the project.

12 So that was it for my presentation today. And
13 I'd be happy to try to answer questions.

14 CO-CHAIRPERSON LYOU: Thanks, John.

15 Do we have any questions from Committee members?

16 Barry.

17 ADVISORY COMMITTEE MEMBER WALLERSTEIN: You
18 mentioned additional resources. I'm wondering if you
19 could share with the Committee how many FTEs or contract
20 dollars are being assigned or proposed for these various
21 steps and how much of that is currently secured versus
22 proposed for your upcoming budget subject to legislative
23 approval.

24 MR. FAUST: The process by which this project is
25 being funded is by localization of funds that have already

1 been -- already exist within the boards and departments of
2 Cal/EPA. And we are working through a process to finalize
3 that in the coming weeks. The approximate funding level
4 of that is about \$450,000.

5 ADVISORY COMMITTEE MEMBER WALLERSTEIN: When you
6 say the funding level is 450, that is to pay for current
7 staff time, plus contractors or contractors? What's
8 entailed in the 450,000?

9 MR. FAUST: There is some internal salary support
10 as well as the contracts as well as the reimbursements for
11 travel for the work group members.

12 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Can you
13 give us an idea how that breaks down in the 450,000?

14 MR. FAUST: Actually, I can't at this point.

15 OEHHA CHIEF DEPUTY DIRECTOR HIRSCH: I don't
16 think we have this information right with us. We could
17 get that to you as soon as it's finalized.

18 ADVISORY COMMITTEE MEMBER PRASAD: On the
19 ballpark side, I think it falls around about 150,000 is
20 the contract out and the rest of it is for the staff time
21 and the reimbursement part of it.

22 ADVISORY COMMITTEE MEMBER WALLERSTEIN: So you're
23 looking at somewhere between possibly as much as
24 two-and-a-half or three FTEs committed for the full year
25 for this?

1 ADVISORY COMMITTEE MEMBER PRASAD: George, do you
2 want to have any idea on that?

3 MR. FAUST: I think it's approximately one and a
4 half.

5 ADVISORY COMMITTEE MEMBER PRASAD: And the
6 purpose was for both these projects, the idea was if you
7 want to go into the next budget process, it would delay
8 another year by the time. So it was the Secretary's
9 intent, and she pursued all the agencies, the boards, and
10 the departments to cough up something and be able to
11 initiate this as soon as possible. That is how this
12 process was initiated. And also we are also looking at --
13 for the continuation of these, recognizing that these
14 projects will probably lead to some questions that need to
15 be pursued as we move forward. We'll also looking at
16 seriously considering looking for new resources during the
17 next budget cycle.

18 CO-CHAIRPERSON LYOU: Dee.

19 ADVISORY COMMITTEE MEMBER ALLEN: I guess I'm
20 beginning to sound like a broken record. But one of the
21 things that we look at when we're addressing cumulative
22 impacts are land use decisions. And I would suggest in
23 your call for nominations that you also consider local
24 governments through planning agencies as part of that
25 group.

1 CO-CHAIRPERSON LYOU: Cynthia.

2 ACTING ADVISORY COMMITTEE MEMBER BABACH: On the
3 time line, I think some of the comments that we made at
4 the first presentation present themselves here as well.
5 This is just too much time that's going by. I think as
6 you've heard today, these are top priorities,
7 precautionary approaches and cumulative impacts for our
8 communities. And, you know, most of our community groups'
9 budgets are, you know, what you'd probably throw away in
10 pocket change. And we seem to be able to do incredible
11 things.

12 So I would say that you really need to -- you
13 know, when I look at it, I think in a couple months you
14 should be able to have your group formed and up and
15 running. And hopefully you'll have an overabundance of
16 community groups and members of the public that will help
17 you. Because what I've tried to explain to people is
18 that, you know, maybe they think we're kidding when we say
19 this is what we focus our time on. If you're living in a
20 situation like this that needs to be changed or the
21 situation isn't being recognized by agencies, that's what
22 we do. We sit around. How can we not just complain about
23 it so people understand what we're complaining about? But
24 more importantly, what are going to be the solutions to
25 our problems?

1 So you know, I would volunteer. I'm an alternate
2 of an alternate. But as a member of the public, I've
3 worked a lot with the Agency for Toxic Substances and
4 Disease Control. And when they were trying to come up
5 with their cumulative impacts guidance document, which I'm
6 sure is still shelved because they don't have a real
7 strong desire to get anything out there. But California
8 on the other hand I'd like to think is not going to get in
9 the quagmire the Feds do.

10 So you know, don't tell my husband, but I would
11 like to help get this thing going. I think there's just
12 been a tremendous amount of work that people have done
13 coming up with the recommendations and this group trying
14 to put them forward. So it's not like we have to go and
15 reinvent this. So it really needs to get up off the
16 ground. Because personally, it would be hard for me to
17 advocate for large sums of money going to this when I
18 don't really see the drive here.

19 CO-CHAIRPERSON LYOU: Diane.

20 ADVISORY COMMITTEE MEMBER TAKVORIAN: Thanks,
21 John, for your report. I guess you've heard the sentiment
22 of the Committee. So I think this is less to you, and
23 it's probably not responsive to the questions that you've
24 posed. But that we've just -- this is just taking way too
25 long for us to get here.

1 And I would recommend that we really seriously
2 consider after lunch the Work Plan of the CEJAC. And, you
3 know, I have to say -- and it isn't immodest or anything.
4 But in two years we developed 112 recommendations on a
5 variety of topics. We had how many public meetings. We
6 talked about a variety of different issues besides the
7 topics that ended up in the recommendations. And in
8 almost four years, we've tried to focus on these two
9 issues, and we've gotten really not that far. And I think
10 part of it's because the agency's commitment to these
11 issues has not been there. And I'm not sure it's at all
12 the staff within the departments that have stepped
13 forward. I think it has to do with the intent of the
14 organization overall.

15 So I'm worried about letting this go back out to
16 boards and departments that then come back here and don't
17 have that sense of urgency. So I'd like to really talk
18 about this after lunch as to how we keep this close to
19 this Committee, how we direct it, how we answer the
20 questions that you've posed, which I think are good ones,
21 how we answer the questions that were posed by the first
22 presentation.

23 And I think there's a relationship between these
24 two topics that I think we ought to talk about. So when
25 we're talking about precaution in one room and cumulative

1 impacts in another room, we may be duplicating efforts.
2 There may be a lot of relationships between these two
3 things, particularly how they hit us on the ground. If
4 we're going to look at cumulative impacts in the
5 communities I work in, we better be looking at precaution
6 at the same time because they're very much related.

7 So I'm worried about us talking about those
8 things in isolation, because our communities can't wait
9 any longer. And there's ridiculous things that are beyond
10 precaution, are just complete common sense, that we could
11 be solving that are maybe early action measures,
12 low-hanging fruit. Whatever you want to call it, we could
13 get to those in both of these topics and save some
14 people's lives. And I think that we made a big mistake
15 when we did the Pilot Projects, I'm sorry, because those
16 were supposed to get us to those low-hanging fruit, and
17 they didn't. So we have another chance now. And I think
18 if for those of us who are going to hang in here, we ought
19 to do it and help you, help the staff, and help the agency
20 stay focused on something that matters to I think all of
21 us and certainly to the people who are suffering in our
22 communities.

23 So my recommendation is that's how we spend the
24 time after lunch to really figure out what our Work Plan
25 is and how we help these agencies, these departments move

1 forward on these two topics. Because I don't think we
2 should let another month go by or another quarter go by
3 with another report that really doesn't serve our
4 interest.

5 CO-CHAIRPERSON LYOU: Barry.

6 ADVISORY COMMITTEE MEMBER WALLERSTEIN: I think
7 Diane raises an interesting question about the integration
8 or dovetailing of the cumulative impacts and precautionary
9 work. And since it's being spearheaded in two different
10 agencies, have you had discussions with the Integrated
11 Waste Management Board staff on how you keep attuned to
12 the work that's happening in each of your newly committed
13 committees?

14 MR. FAUST: Well, we have not in the past as
15 these have moved forward sort of cross talked with them
16 what our common interests and goals might be. But we can
17 work that in if you have any suggestions as to how that
18 might happen or what particular areas of overlap there
19 were.

20 CO-CHAIRPERSON LYOU: Other comments? I just
21 wanted to make sure I heard you correctly when you said
22 there would be about 1.5 full-time employees for the next
23 year included in the budget.

24 MR. FAUST: That's the approximate allocation of
25 the staff time.

1 CO-CHAIRPERSON LYOU: I do have some comments on
2 that. And just in the context of the effort that the Air
3 Board is putting into AB 32 implementation, I believe they
4 asked for 100 new employees. And I think we have to keep
5 that in perspective. And, John, you understand this isn't
6 directed at you or anybody else from OEHHA here. But
7 cumulative impacts and precaution, these are the hopes of
8 people who live and die in communities who are facing the
9 most extreme environmental problems in California.

10 And I just don't know. I mean, we've come
11 together on these issues for many years now to discuss how
12 important it is to develop some hope of dealing with these
13 issues through policies developed under precaution and
14 policies developed on cumulative impacts. And I don't
15 know at what point we throw our hands up in disgust and
16 walk away. But I hate to see this being pushed aside or
17 not given its proper due attention in the context of some
18 other issues, you know, being seen as more urgent or a
19 higher priority.

20 I agree with Diane that we really need to discuss
21 some of these things after lunch. We are about 20 minutes
22 to twelve if that clock's right, and that puts us to lunch
23 a little bit early. If we like, we could begin with some
24 public comment if there's no other Committee discussion
25 and maybe get that done and then take an hour for lunch

1 and come back at 1:00. Is that the sense of the
2 Committee?

3 We don't have any cards, except for LeVonne has a
4 card. We have Karen who would like to speak to us about
5 that. Maybe actually just stay there. You can sit next
6 to Greg here on the end, Karen, use his microphone.

7 MS. PIERCE: Karen Pierce, Bayview Hunters Point
8 Community Advocates.

9 I kind of hate to do this, but I'm going to go
10 through this litany, because I don't think the urgency is
11 clear. I live and work in Bayview Hunters Point. I live
12 a block and a half away from the digesters at our sewage
13 plant. I live less than a quarter mile away from our
14 asphalt plant in San Francisco. I live less than a mile
15 away from the 280 freeway. I live less than a mile away
16 from the San Francisco port activity. That's the only
17 real industrial activity in the city. I live two blocks
18 away from the only train tracks in San Francisco where the
19 commuter train and all the trains that service the
20 industrial area goes by. I live within two blocks of a
21 auto repair -- more than one auto repair activity. I live
22 four blocks from a series of marble cutting businesses.
23 And I'm just touching -- barely touching the rest of the
24 things that go on in my community that are within a mile
25 of where I live.

1 I have a 38-year-old son who has now two
2 children. The only place he could afford to live if he
3 were to stay in San Francisco would be in Bayview Hunters
4 Point. And he chose to move outside of San Francisco,
5 because he couldn't raise his children in that
6 neighborhood knowing what we know now. If I had known
7 when I bought my house what I know now, I wouldn't have
8 bought in Bayview Hunters Point because of the activities
9 that go on.

10 There was tremendous effort and energy put into
11 getting those EJ recommendations adopted four years ago, a
12 lot of jubilation. We expected that what would come of
13 that would be guidelines and that we wouldn't be sitting
14 here today with me going over this litany again. You
15 know, there's no reason for it. There's no reason for
16 community members to be coming here and talking about
17 their individual experiences.

18 But it seems that folks don't get it. If you
19 don't live in a community like this, it is not urgent.
20 But if you live in a community like this, it is urgent.

21 Saturday, I took a group of medical students on
22 what we call a toxic tour of the neighborhood. Our first
23 stop was looking down on the neighborhood, and then we
24 walked a half block back up to the van that was taking us
25 around. Walking that half block back uphill, I was

1 completely out of breath and wheezing. I do not have
2 asthma. I don't know what it is, and neither do all the
3 doctors that have looked at me. They know it's
4 environmental. They know I have some problem with lung
5 function. But nobody knows what it is, except it has to
6 be environmental, because there's nothing else it can be.
7 So I walk around with this every day.

8 Again, there's no reason for me to have to come
9 in here and lecture you on this. You've heard it. You've
10 heard it. You've heard it. And we're still sitting here
11 acting like this is a bureaucratic exercise. It is not a
12 bureaucratic exercise. It is our lives. And you can't
13 ignore that urgency. And you can't sit here with the
14 folks that are on this Committee who constantly try to
15 remind you of that and say, yeah, we hear you, we hear
16 you.

17 I work for bureaucracy. I work for the
18 San Francisco Department of Public Health. I run their
19 Environmental Justice and Environmental Health Program for
20 communities. We get the same thing at that level; we're
21 working on it. Nobody is doing anything. Nobody is doing
22 anything. Except we're going out and continuing to
23 protest.

24 California pats itself on the back for being in
25 the leadership, and we are in the leadership in putting

1 things on paper. We're definitely not in the leadership
2 in taking action. We put things on paper. Other states
3 see what we've done, and they move into action. And it is
4 time for us to move to action and away from sitting around
5 here talking to bureaucrats. You're a bureaucrat. You
6 are also a member of community. You may not be a member
7 of my community, because you don't live in San Francisco
8 or you're not African American or a grandmother or
9 whatever community you want to identify, but you are a
10 member of a community. And you need to take that
11 bureaucratic hat off now and then, even when you're on the
12 job and realize that you have a responsibility as a human
13 being to make this move forward. It is not just the
14 responsibility of the activists to make this move forward.

15 So with that said, I just had a couple of
16 comments that I was going to ask a question. And that is
17 that in your work group composition, in both work group
18 compositions, you refer to environmental organizations and
19 to community groups. And I'd like to know how you define
20 environmental organizations.

21 CO-CHAIRPERSON LYOU: I have to interject here
22 just for one second. I'm sorry I didn't do this at the
23 beginning of the meeting. Not that this is inappropriate
24 in any way. But we have to be careful about setting up a
25 dynamic where it becomes just the questioning of the

1 presenters.

2 That's why you're free to answer or not answer,
3 however you wish. I think it's very a legitimate
4 question. I'm not taking away from that. But it's also
5 as a courtesy to the presenters. They're not expected to
6 have to be grilled by people, not that you're doing that.

7 MS. PIERCE: I don't care if they answer or the
8 Committee answers.

9 CO-CHAIRPERSON LYOU: Right. I think with our
10 Committee, we have representatives from environmental
11 organization, environmental justice organizations,
12 community groups, and so forth. And those definitions
13 have actually been sort of self-identified when people
14 apply. So I'm not sure how the Waste Board is handling
15 it. But for our Committee, that's how it's been handled.

16 CHIEF DEPUTY DIRECTOR HIRSCH: I'll just take a
17 crack at that. I don't know that we have an official
18 answer for you. But in putting those terms together, we
19 wanted to be sure that we included everyone. And we
20 certainly think of environmental organizations as groups
21 that are looking at bigger picture environmental issues
22 affecting regions statewide, national, you know, statewide
23 and national subjects. Community groups being those that
24 focus more on specific communities, Bayview Hunters Point,
25 Richmond, Wilmington. And there's probably a big overlap

1 between those two, because we know that environmental
2 groups look at community issues. We know that community
3 groups are also looking at larger picture environmental
4 issues.

5 MS. PIERCE: Then I just want to point out that
6 you are -- given both of those responses, you're leaving
7 out environmental justice organizations, which are not
8 environmental organizations by any of the definitions so
9 far. So in your Cumulative Impacts Work Group plan as
10 well as in your Precautionary Action Work Plan, I'm asking
11 that you include environmental justice organizations which
12 are distinct from either of those.

13 And then finally, I'd like to recommend kind of
14 based on Ms. Allen's recommendations that you also include
15 someone who has health impact assessment expertise on this
16 work group. And there are a number of people around the
17 state that are now working on health impact assessments as
18 it relates to land use decisions locally. So I think it's
19 very important that you have that kind of expertise on
20 this work group. Thank you.

21 CO-CHAIRPERSON LYOU: Thank you, Karen. That did
22 raise a question for me. And it came up your during your
23 presentation, John, and I didn't get a chance to ask it.
24 When you talk about the development of guidance, to me, it
25 may be a little bit confusing. I want to make sure I have

1 clarity here. In the EJ Action Plan, when the discussion
2 was the development guidance, that guidance included
3 recommendations about implementation options, including
4 proposals for policy, regulatory, and statutory changes.
5 Is that your intent when you talk about guidance?

6 MR. FAUST: Yes. Well, the product of the
7 overall process will be to bring all those things together
8 as we've committed to in the Action Plan. I mean, I think
9 guidance is kind of a somewhat vague word. And I think
10 part of the process is to put some bounds on what we mean
11 in this context and --

12 CO-CHAIRPERSON LYOU: Are there any other members
13 of the public who would like to address the Committee on
14 this subject? I have your card here. I'm sorry, Debbie.
15 Please introduce yourself and go ahead and speak. I did
16 have your card right in front of me.

17 MS. LOWE: Hi. My name is Debbie Lowe. I'm with
18 the Environmental Protection Agency in San Francisco in
19 the Environmental Justices Program.

20 And I just want to express my support for this
21 very important work that you all are taking on on
22 cumulative impacts and express EPA's willingness to
23 participate in this work group that's going to be formed.

24 And I testified at the last CEJAC meeting,
25 talking about some activities that EPA is doing with

1 cumulative impacts, and I have one update from what I
2 presented last time. I mentioned some issue papers that
3 EPA had funded, and those are now published. And they're
4 available for free on Environmental Health Perspectives.
5 And this is a journal that makes all of their articles
6 available for free online. And I just wanted to read the
7 titles of each of these articles to make it easier for you
8 all to find it. I know John already has them.

9 The first article is an overall introduction and
10 it's called, "If Cumulative Risk is the Answer, What is
11 the Question?"

12 CO-CHAIRPERSON LYOU: Was it this month?

13 MS. LOWE: You know, I'm not sure they actually
14 are published in an issue yet. They were available online
15 starting January 24th, 2007.

16 The second article is called, "Vulnerability as a
17 Function of Individual and Group Resources in Cumulative
18 Risk Assessment."

19 The third article is called, "Using Biomarkers to
20 Inform Cumulative Risk Assessment."

21 And the fourth article is called, "Assessing
22 Cumulative Health Risks from Exposure to Environmental
23 Mixtures, Three Fundamental Questions."

24 And the last article is called, "A Phased
25 Approach for Assessing Combined Affects from Multiple

1 Stressors."

2 So I brought one copy of each of these, and I'll
3 leave these with the Co-Chairs.

4 And then I just had two questions based on John's
5 presentation. The first one is about the exploratory data
6 set development and looking for what types of communities
7 that this should focus on. And I know one of the original
8 goals from the Action Plan was for the Pilot Projects to
9 be the focus and the testing place for cumulative impacts.
10 But I also heard some of the CEJAC members today talk
11 about disappointment with the Pilot Projects.

12 A question for the CEJAC members, and maybe this
13 will be something you talk about this afternoon, is are
14 the Pilot Projects the appropriate place for this work
15 group to be focusing their cumulative impacts discussions?
16 Or are there other communities or situations that the work
17 group should be focusing on?

18 And the second question I have is, what will be
19 the process for soliciting work group members? And I
20 think it would be really great for the CEJAC members to
21 kind of lay that out in your discussions this afternoon.
22 Thank you.

23 CO-CHAIRPERSON LYOU: Thank you very much.

24 Any other members of the public?

25 CO-CHAIRPERSON LEE: Just a quick clarification,

1 Debbie, on your last comment about laying out the process
2 for identifying work group members. I think the CEJAC can
3 talk about that and we can make recommendations. But this
4 is not our work group. This is a staff-led work group.
5 So it's really ultimately up to them how we're going to do
6 that. And I'm sure they will make that process known, but
7 we can discuss it and make recommendations. It's just not
8 within our purview to say how it's going to happen.

9 Actually, John, I have a question for you. In
10 your Work Plan time line, you talked about months 1 to 5,
11 months 6 to 10. When does month one start?

12 MR. FAUST: Well, we laid it out as sequential
13 months dependent upon the time when the funding becomes
14 available for the project, which is imminent but not now.

15 CO-CHAIRPERSON LEE: So in the next month or two,
16 month one begins?

17 MR. FAUST: I fully expect within the next month.

18 CO-CHAIRPERSON LEE: Great. Thanks.

19 CO-CHAIRPERSON LYOU: Are there any other
20 questions for the presenters?

21 LeVonne, you've almost missed your opportunity.
22 Are you interested in making a public comment on
23 cumulative impacts? We actually are ahead of the agenda a
24 little bit. We were doing public comment. And I know I
25 hate to put you on the spot when you first walk back in

1 the door, but I know you were interested in making a
2 public comment. If you could do that, we'll take our
3 lunch break and come back at 1:00.

4 MS. STONE: Well, I just looked at the document
5 that was passed out. And the ideas seem to sound great.
6 And I was just wondering you're talking about including a
7 variety of groups of representatives on this working
8 group. And are you talking about more than just four or
9 five, which is what all the other working groups are
10 talking about?

11 MR. FAUST: Four or five total.

12 MS. STONE: People.

13 MR. FAUST: In our presentation, I said eight to
14 twelve is going to be the size for this particular group?

15 MS. STONE: How many community people would that
16 involve?

17 MR. FAUST: We don't have a specific allocation
18 of how many of each -- like a specific set of
19 representation. You know, as we move through the process
20 of developing a charge to the work group and formulating
21 the details of it, that may evolve.

22 MS. STONE: And we're talking about the
23 implementation process, because I keep referring back to
24 this document that we completed in 2003 and wondering if
25 anybody even looked at it or if we even have any copies of

1 it or anybody thought it was worth anything where we
2 discussed all these different topics that we're talking
3 about creating the work groups for. And if you're talking
4 about creating a whole different set of criteria or using
5 what's in the document -- or what are we talking about?

6 MR. FAUST: I guess I'm not -- well, we do look
7 at the recommendations that were pulled together by the
8 CEJAC as we move on this process. I know they did touch
9 on very specific areas about the way cumulative impacts
10 can be considered.

11 MS. STONE: I'm just trying to see if anybody is
12 remembering that, you know, we already have a set of
13 documents and recommendations and concerns and all of
14 that. And we're talking about -- what I'm concerned about
15 in the whole process is inclusionary process of the
16 community people. And I keep hearing it, but I don't see
17 it necessarily. And I'm just --

18 CO-CHAIRPERSON LYOU: If I could interject for a
19 second. Shankar, you might be able to do a better job of
20 this than I can. We have to be very sensitive about
21 directing questions directly at the presenters.

22 MS. STONE: I thought --

23 CO-CHAIRPERSON LYOU: You're supposed to direct
24 your comments to us.

25 MS. STONE: I'm sorry. I'd be glad to do that.

1 CO-CHAIRPERSON LYOU: I didn't make it clear at
2 the beginning of the meeting, and I feel bad about that.
3 That's my fault. But I think the idea is to direct the
4 comments to us as a Committee.

5 MS. STONE: Sure. I'll be glad to do that.

6 CO-CHAIRPERSON LYOU: We have to be sensitive to
7 the fact they're not here to be grilled by all of us.
8 And, Shankar, you may have a better way of explaining that
9 than I do.

10 ADVISORY COMMITTEE MEMBER PRASAD: First of all,
11 let me answer your question. The CEJAC made the
12 recommendations and prepared the report. Based on that
13 part of those recommendations, the Action Plan was
14 prepared and presented. And it was approved by the
15 Interagency Working Group. According to that plan, we
16 have proceeded with the list of items that were initiated
17 during that process.

18 We do apologize and we agree that all Pilot
19 Projects are delayed and the time frames that were
20 originally put forward were overambitious on our part. So
21 that way, to that extent, we are sorry. And it happened.
22 And also there are limited amount of resources.

23 From the last meeting onwards, what we have done
24 is identified your recommendations and said that these two
25 are priority. And so we have allocated resources, and we

1 have said that this is the process of which the staff are
2 going to initiate the two projects.

3 And since CEJAC has always asked that -- or
4 everybody had asked that we want to be in the loop and we
5 want to be informed about how to proceed right at the
6 beginning, not to be presented as a way of here is the
7 document we have prepared, give me your comments, but they
8 were interested in making sure that they were a part of
9 the development of the document, as we move forward, the
10 staff from the Waste Board and the OEHHA are here to
11 present their parts and take back your recommendations and
12 the comments and go back and think what is the next step.

13 So we hear you very clearly that in both these
14 work groups that you want to make sure that the community
15 groups and the EJ works are represented. So we take it
16 very seriously, and we'll make sure that part of it is
17 community and how we can ensure that happens.

18 And following on the other issue of that many had
19 expressed the issue that this Committee is primarily an
20 advisory body to the Interagency Working Group and to the
21 Secretary. And, hence, the staff here are very much
22 interested in taking the input and recommendations for
23 their consideration. But the decision part of agreeing or
24 disagreeing is left to the part of the Secretary and the
25 Interagency Working Group or the respective boards and

1 departments.

2 So the request is that we present you. And if
3 you have comments, we will take it seriously. We will go
4 back. But we may not be able to give you the answer now
5 itself.

6 MS. STONE: Okay. Well, I just want to say,
7 because we did not get any updates from the CEJAC about
8 any recommendations that were accepted or what those
9 recommendations were. So I'm just saying that, you know,
10 we're behind on the information, too. And I'm trying to
11 catch up.

12 CO-CHAIRPERSON LYOU: I think there's --

13 ADVISORY COMMITTEE MEMBER PRASAD: We'll get you
14 that information.

15 CO-CHAIRPERSON LYOU: There needs to be some
16 clarity that our recommendation weren't adopted, you know,
17 as recommended by Cal/EPA. What Cal/EPA did in response
18 to our recommendations was said they would base their
19 future efforts on our recommendations and then created the
20 Environmental Justice Strategy and the Environmental
21 Justice Action Plan. So those two things were based upon
22 our recommendations. But I think I misspoke, as the
23 former Co-Chair of the Committee is about to clarify.
24 Please do.

25 ADVISORY COMMITTEE MEMBER TAKVORIAN: I don't

1 know. The recommendations in their entirety went to the
2 Interagency Working Group, and they were accepted. And
3 then the Governor changed. And then the Agency Secretary
4 changed. And then we created a strategy and an Action
5 Plan.

6 Those recommendations -- I don't think you're
7 missing anything, LeVonne. I think you know exactly how
8 the world is, and that is those recommendations are still
9 there in their entirety. There was an Action Plan that
10 was created. I think it was a good intent to say let's
11 pare this down, but precaution and cumulative impacts were
12 high on that list. And they were supposed to be focused
13 on in the Pilot Projects which we thought were
14 community-based ways to get those issues in communities
15 and having action be done on those issues so that policies
16 could be developed that actually reflected community
17 concerns. And that's what we all thought would occur.
18 And this isn't the evaluation of Pilot Projects.

19 My opinion is that didn't happen and that we need
20 to try a different approach. But that's what we've been
21 doing under now three -- four Agency Secretaries. Did I
22 count right? And two Governors so --

23 CO-CHAIRPERSON LYOU: Three.

24 ADVISORY COMMITTEE MEMBER TAKVORIAN: Three.

25 CO-CHAIRPERSON LYOU: Two Governors, three

1 Secretaries.

2 ADVISORY COMMITTEE MEMBER TAKVORIAN: No.

3 Starting with --

4 CO-CHAIRPERSON LYOU: You're right, four.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: To say
6 we've had some turnover is probably an understatement.
7 But we're all here. We're all in our communities. We're
8 all trying to respond to the folks that we work with and
9 we're accountable to and say that we come up here for some
10 reason that actually improves the quality of their life.
11 And that's what my members say to me, "What are you doing
12 up there? What's happening that's really going to
13 change?" I think that's the question you've been asking
14 since the first day we had a meeting when you were there.
15 And I don't think you got an answer yet. I don't any of
16 us have.

17 So that's my short response to you is you're not
18 missing anything. We haven't fulfilled I think our
19 obligation to implement those recommendations.

20 CO-CHAIRPERSON LYOU: Thank you, Diane.

21 I think Barbara has a comment.

22 CO-CHAIRPERSON LEE: I would just follow up and
23 say that my recollection is the Interagency Working Group
24 accepted the recommendations, but there was no commitment
25 to actually implement them as written. They accepted them

1 and were going to consider what to do about them. And
2 that's why we asked for a follow-on process.

3 CO-CHAIRPERSON LYOU: There is a specific
4 resolution they adopted, and we can go back to that exact
5 language to try to interpret it.

6 MS. STONE: It seems as though we have some
7 problems with -- I know that people were thinking about
8 all the things that need to be dealt with in the state of
9 California, and so we also have a problem dealing with
10 federal facilities. And I would like to suggest that we
11 have a federal facility committee or subcommittee or
12 whatever so we can try to deal with those. Because not
13 only are we talking about those that closed 1994, prior,
14 or whatever, but also 500 more facilities that closed
15 around the country. I don't know how many of them was in
16 California and last year. So I'm putting that on the
17 table and as a suggestion, recommendation, or whatever.

18 CO-CHAIRPERSON LYOU: All right. Thank you.

19 Were there any comments? Responses? Okay.

20 ADVISORY COMMITTEE MEMBER ARRIETA: I have a
21 question regarding that. Doesn't Cal/EPA have a federal
22 facilities group that deals with the closures and the
23 cleanups? Maybe we can get that group to come talk to us
24 about that issue.

25 CO-CHAIRPERSON LYOU: Leonard or --

1 ADVISORY COMMITTEE MEMBER PRASAD: Leonard,
2 Shankar, do you want to say anything?

3 DTSC CHIEF DEPUTY DIRECTOR: We have the
4 office --

5 CO-CHAIRPERSON LYOU: Why don't you go to the
6 microphone, so we can make sure we can get it on record.

7 DTSC CHIEF DEPUTY DIRECTOR: We have the Office
8 of Military Facilities dealing with closures. And, you
9 know, we have a unit dedicated for that.

10 CO-CHAIRPERSON LYOU: And that's Department of
11 Toxic Substances Control?

12 DTSC CHIEF DEPUTY DIRECTOR: DTSC.

13 CO-CHAIRPERSON LYOU: Not an interagency group?

14 DTSC CHIEF DEPUTY DIRECTOR: No. It's DTSC.

15 CO-CHAIRPERSON LYOU: Do the other BDOs have --
16 are you aware of the other BDOs having any --

17 ADVISORY COMMITTEE MEMBER COBB: On the
18 individual military bases, there's always a working group
19 that's composed of all the relevant agencies. But I don't
20 think any of them has overarching --

21 DTSC CHIEF DEPUTY DIRECTOR: We have the
22 overarching one. Then if the issue -- if there's a water
23 issue, the Water Board is brought on. But it's usually
24 base specific. We cover pretty much all of them.

25 CO-CHAIRPERSON LYOU: Okay. Well, we've run a

1 little over. We are way ahead in terms of our agenda. We
2 have made really incredible progress. We're up to the
3 point where -- in my agenda, we would have been at 2:15 in
4 the afternoon. And that's Committee discussion and
5 decisions with regard to cumulative impacts. We're going
6 to follow that with presentations about the New River
7 Pilot Project, and then discussion about our May meeting
8 agenda, and then adjourn.

9 So if we can take an hour and come back by 1:15.
10 We do have the time to enjoy a little more time this time
11 for our lunch break.

12 (Thereupon a lunch recess was taken.)

13 CO-CHAIRPERSON LEE: If they could take your
14 seats at the table, we could count ourselves as having a
15 quorum and get started. I'm going to count as having us
16 at the table too. We are happily ahead of ourselves in
17 the agenda. I think we're about to take that time up and
18 have a more in-depth discussion among Committee members on
19 not only the Cumulative Impacts Action Plan update, but
20 also the precautionary approach update at the request of
21 several Committee members from before lunch.

22 I have a couple of housekeeping points I need to
23 cover. First of all, we have some community members here
24 to comment on the New River Pilot Project, and we have a
25 time certain. They have to leave to catch a plane. So

1 I'm going to have to call our Committee discussion on
2 these two topics to a close at 2:30 to allow us to move on
3 in the agenda and get the presentation from staff on the
4 New River Pilot Project so that there is enough time for
5 these community representatives to make their comments
6 before they have to leave. If there are things at the end
7 of our discussion that we are about to undertake now that
8 we need to come back to at the very end, we can do that,
9 time permitting, although I certainly hope we don't have
10 to double-back on the agenda.

11 The other thing I wanted to cover, because there
12 was some confusion about it earlier, is that we've gotten
13 some clarification from Cal/EPA on the structure of how
14 we're getting our presentations from staff and having
15 comments from Committee members and from the public on
16 those presentations. Just to clarify so everyone
17 understands, the format that's set up here is for the
18 CEJAC to receive presentations from staff about their
19 environmental justice activities. And we do ask questions
20 of staff to make sure that we all understand those
21 environmental justice activities.

22 And then we open the floor to the public for the
23 public to comment on that to the CEJAC. And so we're
24 trying to make sure that it's clear to folks that staff
25 are not here to engage in debates about their programs

1 with everyone during the public comment period. And I
2 know that that's difficult.

3 But I think one of the things we're going to do
4 structurally to help clarify that is when staff have
5 finished responding to Committee members' questions after
6 their presentation, we're going to ask them to go ahead
7 and leave the table and take their seats again in the
8 audience. And that way it will be clearer to everybody
9 that the comments that are coming from public are
10 addressed to the CEJAC. And to the extent that we're able
11 to understand those issues and want to make comments
12 officially or formally to the Secretary about some of the
13 things that we hear from the public, we can do that. But
14 we have been instructed that we're not to set up a
15 situation where staff are engaging in public debates. So
16 we're going to try to follow through with that.

17 And now having covered that, we're going to go
18 ahead and dive into our discussion about cumulative
19 impacts and precautionary approach and where the Committee
20 would like to go with these two work group processes and
21 the issue overall. So put your cards up. This is going a
22 lot quicker than I thought. Joe.

23 CO-CHAIRPERSON LYOU: I'll volunteer for the
24 Cumulative Impacts Work Group.

25 CO-CHAIRPERSON LEE: Okay. That's not what I was

1 expecting, but that's fine.

2 Brenda.

3 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: I

4 also volunteer for the Cumulative Impacts Work Group.

5 CO-CHAIRPERSON LEE: Okay.

6 Diane.

7 ADVISORY COMMITTEE MEMBER TAKVORIAN: I'm not

8 volunteering. Well, I don't want to interrupt. I thought

9 we were going to talk some about kind of reflecting on the

10 presentations we've received and also talking about the

11 current Work Plan for CEJAC. So that's what I had thought

12 we might want to at least discuss.

13 And from my knowledge, and maybe this can go back

14 to not in a grilling format, but question format, my

15 understanding is that these two work groups are based on

16 our previous action at the October meeting where our

17 highest priorities and these were the two topics that we

18 really want to see move forward. And so I think we can

19 feel good about the fact that they are moving forward in a

20 manner.

21 I think the concern I have is that it's been

22 six months since we met. It's been six months since we

23 made those recommendations. And we haven't made any

24 concrete progress on those topics, even though it's clear

25 that we have some level of interest in work going on. So

1 the question I would have -- I have a series of questions.
2 One is what, if anything else, is on the CEJAC's Work
3 Plan? Are there other specific tasks that we are
4 responsible to carry out? And anyone can jump in.

5 And then secondly, how could we be helpful? How
6 could we move the process of precaution and cumulative
7 impacts forward, whether that be by dividing into two work
8 groups, by taking some of the work to the CEJAC itself. I
9 would want to engage in that conversation.

10 And in thinking about it myself, I think that if
11 we send these two groups off to work on two separate paths
12 with two separate agencies that I have a strong concern
13 that we're not going to have the involvement that I think
14 members of this group would want to have. And we are not
15 going to see them evolve in an integrated way.

16 And I definitely think they're integrated. And
17 the more I kind of thought about it and talked with our
18 folks about it is that cumulative impacts is really a
19 problem. It's an issue. It's a condition that we're
20 looking at as occurring in communities. And taking a
21 precautionary approach is one way to address it. So it
22 could be that we do this in a progressive way. It could
23 be that we look at it at cumulative impacts first and then
24 at precaution. I don't know whether we truly can make
25 progress on both at the same time.

1 So I'm not going to make a motion on a strong
2 recommendation, because I'd really like us to engage in a
3 discussion about what other folks think about it. Maybe
4 there's other good ideas for how to address both of these
5 issues in a way.

6 But I would say that my end goal would be what --
7 I think we've missed this deadline by two years. We were
8 supposed to out of the 2003 recommendations take the time
9 for a year to do the work and then put policy
10 recommendations forward for the 2005 legislative year. So
11 we've now missed that by two years. So if we thought we
12 could actually make the 2009 legislative year, which would
13 be pretty far out from our deadline, we would need to do
14 the work now for the next year and then start with the
15 policy recommendations in the latter part of 2008. And
16 that seems ambitious when you look at these time frames.

17 So I would ask the question of whether folks
18 agree that we're trying to develop policy recommendations
19 that may go to the Legislature by 2009. And secondly,
20 what you think about the concept of having precaution and
21 cumulative impacts be our primary work program.

22 CO-CHAIRPERSON LEE: Shankar, did you want to
23 respond to Diane's question about the CEJAC's Work Plan or
24 what the Secretary is envisioning that we're working on?

25 ADVISORY COMMITTEE MEMBER PRASAD: I mean, as you

1 said earlier, based on your recommendations, we made a
2 commitment of the resources. And in order to get that
3 through, it took its own time. And at our end, we still
4 envision these to move forward. And we hear your concern
5 about the need for some level of collaboration between the
6 two. We can make sure that happens. And also if some of
7 the working group members want to participate in both of
8 those groups, that is one other way.

9 And another thing we also envision is these two
10 groups to come and give you a periodic update to this
11 group as it is moving forward. That's one commitment we
12 can make.

13 But at the same time, the other activities -- the
14 agenda group met last time and talked about was that they
15 wanted this to be on -- these two items to be on the
16 agenda on a regular basis and only one or two of the Pilot
17 Projects depending to be presented for the update. So
18 your involvement in terms of these two primary items will
19 be continuing. And one other request that the agenda
20 group discussed is to sort of at this next round of
21 soliciting the applications the Secretary could make a
22 statement about what she expects the role of this
23 Committee to be and how your commitment -- what's the
24 level of time commitment to be. So you can see that also.

25 ADVISORY COMMITTEE MEMBER TAKVORIAN: At the May

1 meeting?

2 ADVISORY COMMITTEE MEMBER PRASAD: No. In the
3 solicitation.

4 CO-CHAIRPERSON LEE: Can you repeat your answer?
5 They can't hear it.

6 ADVISORY COMMITTEE MEMBER PRASAD: Basically, I
7 was saying that progress made to date was based on the
8 recommendations and the resources provided in answer to
9 the recommendations made by this Committee. And we
10 envision that the two products or the guidelines for
11 precaution and the cumulative impacts proceeding parallel
12 as two separate, but have it be more coordination as we
13 move along.

14 CO-CHAIRPERSON LEE: Was that your card up?
15 Sorry.

16 ACTING ADVISORY COMMITTEE MEMBER BABACH: I think
17 what Diane said was really important. I think there's a
18 feeling that these two important topics that this group
19 has been grappling with and communities have been
20 grappling with goes off into a vortex.

21 I don't see -- I read through the materials. I
22 don't see really clear guidance on how this is going to
23 move forward. It just seems like it's going to take an
24 incredible amount of time. And I think because there's
25 been such a turnover in staff with this body, there's a

1 lot of things that are up in the air. Who's going to move
2 forward? What's the charge?

3 So I think while that's going on and then sending
4 folks off to go do these two tasks, it's just -- I don't
5 see us getting to where we need to get. I think it makes
6 complete sense to really see what is this group doing. We
7 know what we were doing before. We had the
8 recommendations. We had the Action Plan. But what's the
9 function of this group now?

10 And I guess you were saying the Secretary is
11 going to put it in a solicitation. But doesn't this group
12 have some say in what they want to move forward with? And
13 maybe that would be more helpful to the Secretary that
14 this group gives input on how they can best put
15 themselves to use.

16 So I just think this group has an overwhelming
17 wealth of knowledge on these topics. You guys have been
18 working really hard through the people leaving and coming
19 and going. And I think that the other two BDOs are going
20 to need that guidance, and that should be provided to
21 them. And if this flounders more than it already is,
22 communities are picking up on that. And there's not --
23 you know, it's not like I think community members go, "Oh,
24 you know, CEJAC meeting. Let's jump on a plane and go up
25 there." It's more like what are the other options? We

1 don't have a lot of options.

2 I heard Joe say earlier something about washing
3 your hands of something. And some people have that
4 choice. They can go to another job. But those of us in
5 communities that are struggling, we don't have that
6 option. So there's a desperation in a sense of hoping
7 something is going to do it. We just can't disengage from
8 the community situations that we're in. And then when we
9 look about how other communities are impacted, what's to
10 say that you're not going to move into a similar
11 situation.

12 So I think we really need to grab the expertise
13 that's around the table and figure out what do you guys --
14 I mean, I'm sitting here. But I'm an alternate of an
15 alternate. What are you guys going to do with your time?
16 How are you going to make the time that you've already
17 invested make it mean something? Make it make a
18 difference. And I think that rather than having somebody
19 go off and tell you what your charge is going to be, you
20 should be figuring out how you think that charge would
21 best be met and giving that recommendation.

22 I would like to see this group grab those two
23 topics -- you know, I'm wondering how come we don't have
24 the definition that we worked really hard on last time up
25 on the Board or on the papers. I am searching through my

1 notebook trying to see what did we come up with for the
2 definition for cumulative impacts?

3 And then take some of the energy from the
4 communities that are coming here. It's not like we can't
5 work together. And the relationships that you've all
6 built around the table is important. It takes a long time
7 to even sit at the table sometimes when we're on different
8 sides and realize these are human beings, too. So I think
9 we've gotten to that point. Say it and it shall happen.
10 Let's say it and make it happen.

11 CO-CHAIRPERSON LEE: Yuki.

12 ADVISORY COMMITTEE MEMBER KIDOKORO: To answer
13 Diane's question about if we're here, part of the idea of
14 our role is to create policy recommendations. I would say
15 that that was my understanding coming to this Committee.

16 And I just want to support what both Diane and
17 Cynthia are saying. I think that there's a lot of wealth
18 of experience and information around the table. And not
19 only on the issues, but also in this process and
20 understanding kind of feeling the frustration and being
21 much more invested in seeing this process move forward.
22 So I would ask if there's any reason why we couldn't be
23 the Committee, to be the work group to move these items
24 forward.

25 CO-CHAIRPERSON LEE: Joe.

1 CO-CHAIRPERSON LYOU: I think that the one
2 problem that that entails is the other stakeholders who
3 might be interested in participating. And I always
4 thought that we would serve the function of making sure
5 that they were integrated through the report back system
6 from staff and from the participants and the
7 subcommittees. And that we would also use the Interagency
8 Working Group to assure that would happen. And I think
9 that the Interagency Working Group hasn't met for a long
10 time, and it's probably overdue to do that and to make
11 sure they're aware that how we feel about the need to
12 integrate precaution and cumulative impacts on a
13 coordinated fashion so they move forward in a manner that
14 makes sense.

15 CO-CHAIRPERSON LEE: Barry.

16 ADVISORY COMMITTEE MEMBER WALLERSTEIN: Joe,
17 could I interpret your comments to say that this body
18 should create -- formally create two subcommittees, one on
19 the precautionary principle and one on cumulative impacts,
20 to serve as the interface with those other committees; and
21 that there would be a request to the Secretary that she
22 communicate to OEHHA and to the Integrated Waste
23 Management Board to have subcommittee members serve on
24 their Advisory Committees; and that the main Work Plan
25 that we would recommend to the Secretary would be for this

1 body to be kept abreast of the progress being made in
2 those two studies; and then also work on the other key
3 issues that the Secretary is concerned about relative to
4 environmental justice?

5 CO-CHAIRPERSON LYOU: Well, my memory is a little
6 bit fuzzy. I think we had entertained doing it that way
7 at some point. Am I right, Diane, that was -- actually,
8 we had thought that was the way we would move forward.
9 And I still say that I think that makes sense to me.

10 I'm not sure what's going to happen with the
11 Pilot Projects at this stage. But I think it's also
12 useful for us to hear about the updates from the Pilot
13 Projects. And I'm anticipating the update from the
14 participants from the Calexico and the New River Pilot
15 Project. So perhaps, you know, if we do it that way, we
16 have a purpose. We have something we do. We have an
17 agenda for moving forward for at least the foreseeable
18 future. I think I would be comfortable with that.

19 ADVISORY COMMITTEE MEMBER WALLERSTEIN: You know,
20 my reaction is, until all these folks in this front row
21 just walked in a few moments ago, we had a few spirited
22 public comments. But other than that, I felt like the
23 energy is like completely lacking in the room today
24 compared to previous meetings.

25 And I, for one, thought that what the Secretary

1 has done in the way of making these two studies go forward
2 is quite laudable and deserves a lot of credit. But I
3 think a number of us that have been participating for
4 years feel some sense of frustration that it's taken us
5 this long to get this far. And now we're looking at
6 another year to year-and-a-half before completion of those
7 studies. And so, you know, for at least me personally, it
8 causes me to wonder with great demands that I have on my
9 time just like any other member of this Committee whether
10 I want to even reapply, even though this to me is one of
11 the very most important topics that I professionally work
12 on.

13 And so I think for the Secretary to retain -- I'm
14 not speaking about myself at this point. But to retain
15 good people, like my colleagues around the table here, and
16 to attract other well-qualified individuals to participate
17 in this Committee, the Committee really has to have
18 meaning and definition to the work. And the folks, if
19 they're going to travel and commit the time, have to feel
20 that it will in a positive and significant manner impact
21 the State's policies.

22 And based on, you know, a couple of meetings I've
23 had with the Secretary over the last few months, I think
24 that that's the sort of desire I would expect that she
25 would have. But I think it has to be articulated to

1 folks, because we've all -- all of us have been on this
2 Committee for a long time have spent a lot of hours.

3 And we've seen the report which I think was a
4 major milestone. And it's taken a lot of time to
5 translate that into action. And now we're starting to see
6 some of the Pilot Projects start to produce some results.
7 But now we have these two new studies. And unless there
8 is a very defined Work Plan with specific objectives and
9 timelines, and unless the boards and departments are
10 committing the resources and people can see that the work
11 is progressing and that it is a priority -- because I have
12 to pause for a moment and tell you that when something is
13 a priority for me or my governing board, people may come
14 and go, but we quickly put somebody to fill that opening
15 in and make sure that the work doesn't fall behind.

16 And I think there is a significant issue of
17 concern here that up until Secretary Adams taking a strong
18 hand in the last month or two that this hasn't been a real
19 priority for some of the boards and departments. And that
20 doesn't speak well of the State. And so I think a better
21 effort has to be made. And there has to be commitments,
22 timetables, and resources.

23 ACTING ADVISORY COMMITTEE MEMBER REED: Yeah. I
24 guess I'm one of these Pilot Project people, groups. So
25 you guys want some spirited conversation, huh? Is this

1 the time? I mean, is this the time right now to talk?

2 CO-CHAIRPERSON LEE: This is the time.

3 ACTING ADVISORY COMMITTEE MEMBER REED: Well,
4 where do I start? You know, I've can't even remember how
5 long I've been involved with this process. I mean, we've
6 been working for two or three years, and we just got done
7 with the Scope of Work a year ago. We just got our
8 funding a couple months ago. You know, so there's been
9 some real big issues, you know.

10 I'm going to get warmed up here in a few minutes.
11 After lunch, it's pretty hard. It wasn't a true -- okay.
12 This is the Klamath River Pilot Project I'm talking about,
13 and I believe it wasn't a true community collaborative
14 effort, meaning that I think we had representatives of the
15 community in a room, and we throw out our best issues out
16 there on the table. And then we're sitting there waiting
17 patiently for that information to go up the chain of
18 command, and apparently it never did. So I think that's
19 one thing that really needs to happen.

20 There needs to be a sense of transparency --
21 instead of from the top down, there needs to be a
22 transparency from the bottom up. We're the ones doing the
23 work on the ground. We're the ones identifying the issues
24 and concerns. And if it's not taken up the chain of
25 command properly, then basically the voice remains status

1 quo. It remains unheard. And I think that's one of the
2 real problems I'm feeling with work I'm doing up in the
3 Klamath River way up north underneath the Oregon border.
4 So I think transparency is crucial to the Pilot Projects.
5 If the people at the high end of the food chain does not
6 hear the issues and concerns, then it's basically once
7 again our voices going on deaf ears.

8 Again, once the issues are developed, you know,
9 we need continued involvement from the State. And once we
10 identify these problems, these issues, and concerns, you
11 know, the State just can't walk away from this problem.
12 We need to continually -- we can't just keep it as a Pilot
13 Project. Okay. We identify these issues and concerns,
14 and we're moving on. And then you guys go fend for
15 yourselves some more. And then what happens to the people
16 that are -- you know, the affected communities? I don't
17 know. I mean, I do know.

18 I do know what happens to my people up there on
19 the river when we don't get enough fish in our diet. I
20 know what happens to our people, our ceremony, our
21 medicine people when they're bathed in the Klamath River
22 during July, August, and September when the water quality
23 is such in a polluted state. It's 4,000 times the
24 allowable water quality for the United Nations, or
25 something like that. You get my point. It's very bad

1 water. And yet our people are up there bathing ten days
2 straight in this water. So we have a ceremony down river.
3 A medicine man bathes for ten days in this water. Then we
4 go back up river for ten days, same thing. Then
5 accumulates in the middle at the center of the world.
6 That's 30 days of our people in this water.

7 So those are real live issues. And the detection
8 of these pathogens are such that people are almost dead or
9 they're dying when they basically -- okay. You have liver
10 disease from blue-green algae. They're going to die
11 because of that. So there is a lot of different problems
12 that aren't being addressed. They can't be addressed
13 until we address them appropriately and through a sense of
14 transparency.

15 Again, the State cannot walk away from this
16 problem. After we develop these issues, the State cannot
17 walk away. At the end of the day, we need to have
18 tangible benefits to the affected communities. We need to
19 make sure that, okay, there's issues out there. They're
20 big issues, granted. When we walk away from the table, we
21 need to make sure that there is something in place for
22 now, for tomorrow, and for the future. Because I think
23 that's what this -- I think that's what this body does.
24 It looks out for the people, the environmental
25 degradation, how that affects human health.

1 So I'd like to say the only reason why I'm
2 sitting here today in my perspective is not just because
3 the Native American community up on the Klamath River has
4 been affected. It's become a widespread problem. It's
5 become enormous. The commercial fishing industry went
6 down to basically nothing last year. That's commercial
7 fishing communities that have been affected from below
8 San Francisco up to around Washington somewhere because of
9 the fish. It's a whole different matter.

10 But so agriculture communities are being
11 affected. Riverine communities are being affected.
12 Coastal communities are being affected. So it's become a
13 big, widespread problem. And it's fortunately that people
14 within Cal/EPA have identified this problem and have
15 addressed it to where we are at today.

16 So I guess that in a nutshell is where I'm at
17 with the Klamath River Project. And I know I got a little
18 spirited here. But I would say I'm very appreciative of
19 this process. Because this is the first time since time
20 and memorial for thousands of years, since time since
21 contact that the Karuk tribal voice, the Hoopa Tribal the
22 Yurok Tribal voice. And the Yurok Tribal voice has been
23 heard. Quartz Valley, Resighini, we've never had an
24 impact. We've never been able to say what those dams on
25 the Klamath River is doing to our water quality and what

1 the water quality is doing to the culture. We've never
2 been able to address this issue. And it is the first time
3 ever to my knowledge.

4 And if these issues do not get addressed, they
5 could possibly -- the impacts could go on for another 30
6 to 50 years. Couple years ago, we had over 68,000 dead
7 adult fish, salmon die in the Klamath River. And that's
8 from the cumulative effects of those dams. And that's why
9 I'm here today. I'm here trying to identify those issues
10 and impacts. And I really appreciate the opportunity.

11 CO-CHAIRPERSON LEE: Thank you. We needed the
12 shot of energy, although I'm not sure everybody received
13 it.

14 What does the Committee want to do? You know,
15 I'm hearing frustration about people being unsure about
16 how to get this group into a mode where it's working
17 productively on the issues that are important to us, and
18 I'm not hearing any kind of coalescing around an idea
19 about how that needs to happen.

20 We had some discussion. Barry put a suggestion
21 on the table about forming some subcommittees. I heard
22 you maybe from Diane and Joe that might be a good idea. I
23 have a lot of full bellies and blank looks. So I want to
24 hear some of the rest of you respond to this. Because if
25 we're going to form subcommittees and make that happen,

1 that means it's more than just Diane and Joe and Barry,
2 especially if Barry doesn't want to participate. So
3 David.

4 ADVISORY COMMITTEE MEMBER ARRIETA: We have six
5 Pilot Projects in the works, which the Committee sits back
6 and waits for comments from the progress reports on. And
7 maybe it's time for the Committee to start actively
8 becoming part of the project and maybe forming
9 subcommittees to actively engage in where the pilots are,
10 what the pilot goals are, and how in the next year those
11 goals are going to be achieved so that the staffers don't
12 go off and do the pilot on their own kind of as something
13 that they're personally responsible for. It's really this
14 Committee that's responsible for the pilots. And maybe
15 get us involved.

16 And get us involved in the two projects with the
17 cumulative impacts and precautionary approaches. And work
18 with the staff hand in hand on getting the goals and the
19 time lines and the work product developed. But take it on
20 ourselves to do that, to work with the community folks
21 that are involved in the pilots and see if we can get the
22 kind of action that seems to be needed but is slow to
23 develop because of whatever.

24 But maybe if we as a Committee take it upon
25 ourselves to take charge of the pilots and the actions so

1 that when John Faust is doing his work and he has to
2 report to Shankar and to the Secretary, he's got us behind
3 him as people that are supporting what he's doing and
4 supporting his needs and his resource requirements so that
5 he gets the kind of support from Cal/EPA that he needs, as
6 opposed to him being a lone wolf out there saying, "I
7 need, I need," without us supporting him.

8 CO-CHAIRPERSON LEE: Jose and then Brenda and
9 then Cynthia and then Ron again.

10 ADVISORY COMMITTEE MEMBER BRAVO: I think
11 maybe -- I served on the National Environmental Justice
12 Advisory Council. On the NEJAC, what we did is broke up
13 into subcommittees. We named subcommittees like the
14 International Subcommittee where I was on, and we were
15 tasked a couple things. One is going back into those
16 communities and trying to figure out what some of those
17 issues were to bring back to the NEJAC to make
18 recommendations back to the NEJAC so the NEJAC could make
19 recommendations back to the Secretary. And the Secretary
20 could see how it fit into the Interagency Working Group
21 process. And what agencies were going to take on those
22 issues from there on.

23 I think that, you know, when we started our
24 conversation here today was that we want to form two
25 committees or working groups. And I mean, we need ideas

1 on how to put those together and how they're going to look
2 and what are the processes that we need to move forward
3 with to get those working.

4 Now, we can talk and talk and talk about other
5 issues, other things. But basically we've been trying to
6 deal with these two Committees and these two issues of
7 cumulative impacts and the precautionary approach for many
8 years, like everybody said. So let's move those issues
9 forward. Let's figure out what the CEJAC looks like with
10 those two committees or whether those two committees need
11 to come from the CEJAC. Let's push those ideas forward.
12 Let's get some energy behind this and move forward with
13 these things.

14 CO-CHAIRPERSON LEE: Brenda.

15 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: I
16 have a question and a comment. My question is that are we
17 going to hear about the New River Pilot Project today?

18 CO-CHAIRPERSON LEE: We are, yes. We're trying
19 to wrap up our Committee discussion by 2:30. And then
20 we'll have a presentation on the New River Project, and
21 then we have a number of community members who are here to
22 speak to that. We want to make sure we get them their
23 opportunity before they have to leave to catch their
24 plane.

25 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: Two

1 things. My understanding of the Pilot Projects was that
2 it was supposed to take things like the precautionary
3 approach and the cumulative impacts issues and put them to
4 work in the communities on a project to see how effective
5 they were and whether they were implemented in a practical
6 manner and if there were things we can learn from that
7 implementation that would make a difference in how
8 responsive the agencies are to the needs of the community.
9 So, you know, to my way of thinking, that's the primary
10 focus of CEJAC right now is to figure out we know the
11 definitions. We know what we're trying to achieve. Let's
12 see as a practical matter how those things work. That's
13 what the Pilot Projects are for.

14 So, yes, it's taking a long time. Bureaucracies
15 tend to do that. But I'm very curious on -- I mean, just
16 looking over what the report says about what they learned
17 in trying to do this on the New River, that's what I'm
18 here to do today, is find out what happened and how did
19 that work as a practical matter. It's all well and good
20 as someone said earlier to have these words on paper. But
21 when it comes to action, we seem to be lagging behind. I
22 think that's the real frustration. So that's what I want
23 to hear about.

24 As far as forming subcommittees, I can just speak
25 from my personal experience having worked on a work group

1 that DPR formed to deal with environmental justice issues.
2 And we just wrapped up that work group about a week ago.
3 And I found that much more effective. We had real
4 community people in the room working with others from
5 various walks of life, including a university and EPA and
6 other interests and were in an environment where we felt
7 free to discuss with each other in a manner that we might
8 not do in the very public forum.

9 So the idea of subcommittees of CEJAC to me
10 doesn't work. Because you are just going to get right
11 back into the same kind of environment where you have here
12 where you might not have that full and frank discussion
13 because there are so many other variables at play. But
14 you also will have community members in that room
15 committed to the process. It's a smaller more personal
16 environment. It was facilitated by a very good
17 facilitator who made sure that everybody agreed on the
18 rules of the game, rules of engagement, and we stuck to
19 those rules. It was a very productive process. I'm
20 looking forward to hearing how Mary Ann Warmerdam's report
21 on what comes of that.

22 But that would be my recommendation. I think
23 forming new subcommittees and trying to engage this larger
24 group on a more prolonged basis is not going to be very
25 productive in the long run, and you're going to have more

1 frustration down the road.

2 CO-CHAIRPERSON LEE: Cynthia and then Ron.

3 ACTING ADVISORY COMMITTEE MEMBER BABACH: Well, I
4 think that it does take a lot of different entities to
5 find solutions. So I think there's issues that we're
6 trying to line up and outline and try to wrap ourselves
7 around and give guidance to agencies who are charged with
8 protecting us in our communities.

9 But I also think that part of what we do is also
10 educating those agencies. I think there are things in
11 life that if you haven't experienced them -- and it's not
12 that I personally want people to go experience sucking
13 down toxic waste or something like that, like we have.
14 But it's just like if you've never skipped a meal, you
15 don't know what it's like to be hungry. Not you
16 personally. I'm just looking that way.

17 So I think I know in our group when we struggle,
18 we're trying to find solutions in our community. But
19 we're also trying to educate people who have the power, I
20 guess, and are making decisions on our behalf. And it
21 just seems to be getting worse and worse.

22 So I think that something needs to happen. You
23 need to have a sub-group or whatever you want to call it.
24 I don't see that there's a real clear direction either
25 way. I think people throw out ideas of circumstances that

1 they've been involved with. When I did my stuff with
2 ATSDR, we broke into a lot of subcommittees and reviewed
3 toxicology curriculum, and we did great work. The
4 community people worked their rears off with no pay, which
5 was fine because you need to get the job done. But once
6 you can hand in the most fanciest, most perfect report,
7 and if the people who have the power are making these
8 decisions aren't going to do anything about it, then what
9 have you done? And I see that's happened a lot with this
10 body.

11 I know that the leaders of this agency are very
12 busy. But not even having them in the room is very
13 insulting. It happens over and over again. And if you
14 can't even have a point where you're going to have that
15 direct communication, I don't see the commitment from the
16 agency.

17 So again, I think it's back to if the communities
18 had all the answers, then we would be solving all the
19 problems in our community. We wouldn't need to go to an
20 agency to help us figure out the guidelines. So the more
21 that we can facilitate the stakeholders and the decision
22 makers and the regulators getting in a room together and
23 hammering out some of these issues, whether it be in a
24 safe place -- this should be a safe place, but it's not.
25 We get ramifications when we misbehave or when we speak

1 too loudly, and that's seen by the people who don't want
2 to come. It should be mandated that the heads of each of
3 these divisions or whatever you want to call them, BDOs or
4 whatever the term is, should be here. And they should
5 have to listen. But we also should be able to articulate
6 ourselves even though we are angry so people don't feel
7 threatened by it. That's not a good thing either.

8 So, you know, I guess I'm one of those people who
9 keep hanging onto the threads. And I'd hate to see this
10 body go away, even though a lot of my colleagues think
11 that it's usefulness has come to fruition.

12 So I'd like to say, yeah, blah, blah, blah, blah,
13 blah, blah, blah, blah, but like let's do something.
14 Let's take some of this energy. Because we're going --
15 Cynthia and I are going back to our communities, and we're
16 still going to deal with the toxic waste sites, the
17 refinery and all these things. And we're still going to
18 try to figure out a way that what we've experienced can be
19 useful to somebody. But you know, pretty soon I think
20 anarchy sets in. So you might have a bunch of tired folks
21 around the table, but I also think you still have a lot of
22 willingness to really roll up your sleeves and get
23 something done. And it's overwhelming, but you have to
24 take it a little piece at a time. A little piece at a
25 time.

1 So however it works out, I wish somebody would
2 come up with something. Because I see it going boop,
3 boop, boop, boop, and I watch the time. And then we are
4 all going to feel warm and fuzzy on the way home, and then
5 it's just going to be back to the same thing. And I think
6 you're going to lose a lot of really important
7 institutional memory around the table, because people are
8 just not seeing it. It's very sad knowing that I'm
9 depending on this agency for my community, too. But you
10 know, when will it be too late?

11 ADVISORY COMMITTEE MEMBER PRASAD: I think the
12 question is do you want to have a subcommittee? And I
13 think we also alluded to the fact earlier from the counsel
14 the minute you form a subcommittee and then the whole
15 issue of notification of public process and everything
16 sets in. Whereas, on the other hand, if you select five
17 or four or a sub-group of this to participate in the
18 working group, you will have a better interaction.

19 CO-CHAIRPERSON LEE: Actually, I'm going to get
20 to you in just a second, Ron or Joe.

21 On the issue of the process associated with a
22 subcommittee, for counsel, my recollection is we had a
23 drafting subcommittee that worked on the recommendations
24 document. And we did not, because it was not a quorum of
25 the CEJAC, have to follow all of the same public process

1 restrictions, that we had conference calls. We exchanged
2 drafts. We worked as needed until we brought the material
3 back to the full group. And then that was subject to the
4 noticing requirements of the agenda and making the
5 materials available ahead of time and all of that. But
6 the subcommittee, because it was not a quorum of the
7 CEJAC, did not have to follow those --

8 ADVISORY COMMITTEE MEMBER COBB: The issue
9 according to your own bylaws is whether it's an official
10 subcommittee. If it's appointed by the Chair as a
11 subcommittee of the CEJAC, in your bylaws require you to
12 abide by the same rules. If you just informally four or
13 five of you confer just by making a few phone calls, you
14 don't qualify as an official subcommittee. The statute
15 wouldn't speak to that, but your own bylaws tied your
16 hands to some extent to that issue.

17 CO-CHAIRPERSON LEE: Okay. Ron, then Joe, than
18 Diane.

19 ACTING ADVISORY COMMITTEE MEMBER REED: I guess I
20 was kind of taken aback a little bit when you said there's
21 six Pilot Projects that are slated to --

22 ADVISORY COMMITTEE MEMBER ARRIETA: Ongoing.

23 ACTING ADVISORY COMMITTEE MEMBER REED: They're
24 ongoing. They're being worked on. Because I would --
25 just from my lunch today with New River Pilot Project,

1 there's some issues. I mean, I guess I'm just perplexed
2 how long we've been doing this Pilot Project, and these
3 issues are still lingering out there. And I have the same
4 issues in my corner also.

5 And I would think it would be a pretty good
6 strategy to figure out what's wrong with these Pilot
7 Projects that we're working on diligently right now with
8 the affected communities right now and see how we can
9 better articulate our issues and try to connect it to
10 funding sources, to the bureaucracy if you will, or
11 whatever so we can go forward and be proactive. And I
12 think that's my comment.

13 CO-CHAIRPERSON LYOU: I think all of us agree we
14 need to move forward as quickly and efficiently as
15 possible. I don't really think that at this table today
16 we're all there for making that decision. We are going to
17 meet again in six weeks on May 31st. My recommendation
18 would be at this stage -- because we found out that not
19 only do the community members who need to get back to the
20 airport, they have to turn in a rental car. I want to
21 give them as much time as possible to make their
22 presentations, to have conversations, because they've come
23 an awful long way to be here today.

24 I would like to make a recommendation that we
25 table this until our meeting on the 31st of May and go

1 from there just to accommodate the needs of the community
2 members who have traveled all the way from Calexico to
3 speak to us today.

4 CO-CHAIRPERSON LEE: Diane, then Yuki, then Dee.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: Dee was
6 actually up.

7 ADVISORY COMMITTEE MEMBER ALLEN: I was sort of
8 thinking about I was suggesting a structure listening to
9 what we were saying. But a question -- and I won't talk
10 about it because we're in a time crunch. It looks like we
11 have -- clarify for me. We have three items we're looking
12 at. We're looking at cumulative. You're looking at
13 precautionary. And we're looking at the pilot programs,
14 is that --

15 CO-CHAIRPERSON LEE: This is what we have been
16 working on. And the question has been -- the question
17 before us that Diane posed is is this what we want to keep
18 working on? Do we want to focus on the two, the CI and
19 the PA efforts? Or do we want to -- what does the group
20 want to do? Where do we want to put our time?

21 ADVISORY COMMITTEE MEMBER ALLEN: Like I said, I
22 was sort of thinking about it. One of the things in
23 looking at these three outcomes is really taking those --
24 there's certain issues that individual either
25 subcommittees or working groups cannot really address, and

1 one is the integration issues. I think the integration
2 issue rises above the subcommittees and the working group.
3 And that could be something that the full CEJAC really
4 takes on and has on an agenda so you hear it from the
5 other committees and you're doing with the integration
6 issue.

7 I think another one could be reporting out of
8 those six pilot programs, having the status report,
9 lessons learned for some kind of recommendations coming to
10 the full CEJAC Committee, because then you're looking at
11 it at the bigger view.

12 And then even having perhaps a kick-off
13 meeting -- the CEJAC having a kick-off meeting as these
14 two work groups or defining what their Scopes of Work are
15 going to be. After they've done some work, you have them
16 come and have input. Because I think we want to be
17 involved at CEJAC. And I think we should be addressing
18 those things that are not normally going to happen as you
19 get into your individual groups. So that's just some
20 thinking, and I'll turn it over to Diane.

21 ADVISORY COMMITTEE MEMBER TAKVORIAN: Well, I
22 would agree with Dee. And I agree with that we should
23 table it. I would agree with Joe.

24 But I think that we need some tasks going out. I
25 mean, I would hate for us to start from where we are now

1 in six weeks. So if the Agenda Committee or some other Ad
2 Hoc Committee can come together and synthesize the
3 feedback that we received today and come up with a series
4 of options perhaps for how we move forward, that seems to
5 like that would be helpful to look at options for
6 structuring our work.

7 Secondly, I think we need clarification on the
8 public noticing and the public the way that our committees
9 work. When we did the first round, we had -- did I see
10 Jim Marxen in the room? He left. There was a public
11 participation work group that came up with a series of
12 recommendations as I understood it were a subcommittee of
13 the CEJAC. But they had conference calls. They had
14 e-mails. They came up with recommendations that the CEJAC
15 and the public had the opportunity to look at. So I
16 don't -- we're working under the same bylaws at that time.
17 So I'm not questioning that.

18 I'm just saying if we could find a way that we
19 could actually do work efficiently and get clarification
20 about that, we could always amend our bylaws if that's
21 what we needed to do. That's another suggestion.

22 And then lastly I guess I would say that I would
23 be -- my concern is that I don't really want to sit on a
24 Committee that doesn't have the authority -- and I know we
25 have limited authority to begin with -- to really input on

1 two agencies' Work Plans or work products. And I think
2 what we make these -- and I hadn't thought about it before
3 today. But when we make these work groups of different
4 agencies that aren't subcommittees of CEJAC, then I don't
5 know where we're going as CEJAC with a work product.

6 When we were working on the recommendations, we
7 had three or four goals. And there were subcommittees on
8 each of those goals. And each of those subcommittees came
9 forward with recommendations on all of that. There was
10 lots of public participation both in the CEJAC meetings
11 and in the subcommittees. And it became our product in
12 the end. And I'm not seeing that's what's happening. But
13 maybe I'm not seeing the full picture.

14 So I'd like clarification on that, because if
15 these two issues we've moved forward are to be products of
16 CEJAC and ultimately of IWG and Cal/EPA, then maybe we
17 need a different structure. I'd like some advice on that
18 from the Ad Hoc Committee who's going to digest all this
19 in the next six weeks.

20 CO-CHAIRPERSON LEE: Quick question for counsel.
21 If we call it a working group instead of a subcommittee of
22 the CEJAC, is it subject to the same restrictions?

23 ADVISORY COMMITTEE MEMBER COBB: Well, of course,
24 I didn't write these bylaws. And quite frankly, they're
25 desperately in need of revision in several ways. Just

1 reading -- and that's all I can do here. It says, "The
2 CEJAC, its subcommittees, and other groups formed by the
3 CEJAC, will operate in accordance with all the
4 requirements of the Public Resources Code" -- so you've
5 put yourselves in a box. You didn't need to do that.
6 Statute doesn't require it. But you did it.

7 ADVISORY COMMITTEE MEMBER ARRIETA: Diane, the
8 public participation work group was not really part of
9 this Committee. The DTSC was given the mission of dealing
10 with public participation. Jim Marxen, on his own, took
11 it upon himself to call some people to get some input to
12 ask for more participation. And that's how that whole
13 exercise happened. And then he came and gave this
14 Committee some presentations on what that group -- what he
15 had learned. So it really wasn't -- I don't think it was
16 something that this Committee created or probably blessed
17 him doing that. But not necessarily created the exercise
18 that he went through.

19 ADVISORY COMMITTEE MEMBER TAKVORIAN: We
20 incorporate a lot of these recommendations into our --

21 ADVISORY COMMITTEE MEMBER ARRIETA: Absolutely.

22 ADVISORY COMMITTEE MEMBER TAKVORIAN: Whatever
23 the structure is that lets us do that, let's figure out
24 what it is or change the bylaws.

25 ADVISORY COMMITTEE MEMBER COBB: Frankly, I was

1 going to suggest that you might want to ask Shanker --
2 I'll work with him to come up with some revised bylaws,
3 because there are several things in there that are very
4 squishy. That's an illegal term I think.

5 CO-CHAIRPERSON LEE: Except our ability to meet
6 and do stuff.

7 Okay. If there's no objection from the
8 Committee, we are going to have the Ad Hoc Subcommittee
9 that works on the agenda, which is the two Co-Chairs and
10 Dave Arrieta, Shankar, and other Cal/EPA support staff try
11 to tee this agenda item up so we will productively come to
12 closure on it at our next meeting in May. And my
13 understanding of the Committee's desire is that we provide
14 some options for the Committee to debate and decide on so
15 that the Committee can productively interact with the
16 Cal/EPA staff that are working on the Cumulative Impacts
17 and Precautionary Approach Work Products --

18 CO-CHAIRPERSON LYOU: Pilot Projects.

19 CO-CHAIRPERSON LEE: And you want us to do Pilot
20 Projects, too?

21 CO-CHAIRPERSON LYOU: I think we heard that from
22 Dave and Brenda.

23 CO-CHAIRPERSON LEE: And we will hopefully have
24 an array of options for folks to consider at the next
25 meeting. And the emphasis is going to be on Committee

1 members being able to put productive work time in on this.
2 So I'm hoping that you all come back prepared to put in
3 that productive work time to the end that we're able to
4 find some venues for you to do it.

5 Brenda.

6 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS:

7 Briefly. Unfortunately, that's my mom's birthday, so I
8 will not be here on May 31st. But I will be here in
9 spirit.

10 CO-CHAIRPERSON LEE: We will hopefully have some
11 options lined out for you in advance of that meeting. And
12 so if you have comments you want us to consider, you can
13 send them in either with your alternate or send them
14 directly to Shankar, and we will make sure that we
15 interject them into our discussion.

16 CO-CHAIRPERSON LYOU: And we won't hesitate to
17 volunteer you to do things. But all kidding aside, we
18 should also consider whatever bylaw changes are necessary
19 to make this work. So we'll put that on the agenda too.

20 CO-CHAIRPERSON LEE: We will agendize bylaw
21 changes. Hopefully, this round of bylaws discussion goes
22 more quickly than our first round did.

23 That being the case, we are going to move into
24 the New River presentation. And then this is in order to
25 allow the community members who have traveled so far to

1 have an opportunity to speak to us before they need to
2 depart.

3 I have an e-mailed comment that came in after we
4 closed the public comment period on this earlier item. So
5 I will come back to that and read it to the group after
6 we've heard from the New River folks. But we really need
7 to move into the New River presentation and discussion so
8 that they can catch their plane. I think Malinda is going
9 to give us the presentation on behalf of the Water Board
10 staff.

11 CO-CHAIRPERSON LEE: Do we have translation
12 headphones so the non-English speaking members of the
13 audience can listen and hear? I'll explain the process
14 when we open the public comment period. Go ahead.

15 (Thereupon an overhead presentation was
16 presented as follows.)

17 SPECIAL ASSISTANT DUMISANI: Good morning. My
18 name is Malinda Dumisani, and I'm the Cal/EPA Special
19 Assistant for Environmental Justice.

20 Mr. Adrian Perez, the State Water Resources
21 Control Board lead for the New River Pilot Project, is
22 unavailable today, as he's on extended medical leave. So
23 I'm stepping in on his behalf. And I'm going to be making
24 the presentation based on the information that the Water
25 Board gave us.

1 I will communicate the comments and the
2 recommendations to the Secretary and the Water Board that
3 you give here today.

4 The New River Pilot Project was initiated in May
5 2005. And the overarching goal of the Pilot Project is to
6 develop a Children's Environmental Risk Reduction Plan in
7 consultation with the Regional Advisory Group. The
8 project is expected to identify methods for maximizing
9 public participation, evaluate health data, conduct
10 cumulative impact analysis, and identify long-term
11 strategies to work with the Mexican government to reduce
12 raw sewage flows into New River.

13 --o0o--

14 SPECIAL ASSISTANT DUMISANI: To date, the
15 Regional Advisory Committee along with the Technical
16 and -- the Children's Environmental Risk Reduction Plan is
17 acronymed ChERRP, so I'm going to use that from here on
18 out, ChERRP. Subcommittees have been established. In
19 October 2006, at the request of the Water Board, the
20 Regional Board projected the water quality improvements
21 expected for the New River Mexicali Waste Water Treatment
22 Facility. The details are in the writeups that are also
23 provided in the back of the room outside.

24 Among the bi-national products for the Mexicali
25 area, the new waste water treatment facility started

1 functioning in November 2006 and has resulted in
2 significant water quality improvements. Also in October
3 2006, the Regional Board highlighted the need to complete
4 other overdue milestones to eliminate discharges of raw
5 sewage into the New River. The Regional Board has also
6 prioritized the development and implementation of
7 additional total maximum daily loads, or the acronym
8 TMDLs.

9 --o0o--

10 SPECIAL ASSISTANT DUMISANI: Cal/EPA and the
11 Water Board acknowledged there has been significant delay
12 in completing the project task. Although progress has
13 been made to identify methods for maximizing public and
14 Tribal participation, still more work needs to be done to
15 ensure members in various areas of Calexico and other
16 impacted areas are more involved in the project efforts.
17 The silt TMDL, or the total maximum daily load, has been
18 reviewed by the Regional Board staff and will be presented
19 to the Board in June of this year at its meeting in La
20 Quinta. The Regional Board expects completion of the
21 nutrient TMDL in 2009.

22 The Water Boards in consultation with its
23 Regional Advisory Committee, or RAC, is evaluating
24 long-term strategies such as chlorination and piping which
25 have been proposed by the stakeholders. The Delta

1 Collaboration Associates, a consultant firm, has developed
2 a strategy to facilitate ChERRP development and
3 implementation and is under internal review. And it will
4 be presented to the RAC soon.

5 --o0o--

6 SPECIAL ASSISTANT DUMISANI: The RAC has
7 discussed preliminary precaution approaches to address New
8 River pollution and is under internal review. In working
9 with the Mexican government, the Water Boards will work
10 with Cal-EPAs Border Affairs Program as a coordinated
11 effort to emphasize the need to reduce other point and
12 non-point sources of pollution. Lastly, health data
13 collection and analysis has yet to be completed.

14 --o0o--

15 SPECIAL ASSISTANT DUMISANI: Cal/EPA and the
16 Water Boards acknowledge there has been some confusion in
17 the expected outcomes of the project. The Pilot Project's
18 led by the Water Board and EJ grant recipients, that
19 Calexico New River Committee, or CNRC, by different
20 stakeholders, and we will ensure that gets clarified.

21 The concerns voiced from Calexico residents and
22 the Environmental Justice Coalition for Water will be
23 taken seriously as we move forward. The contract with
24 CRNC has expired, and we will examine for possible
25 extension with modification the scope and the deliverables

1 based on the input the Water Board receives today and
2 their willingness. So we will also get their comments
3 later on today.

4 --o0o--

5 SPECIAL ASSISTANT DUMISANI: Last month, Dr. Prasad
6 and Mr. Ricardo Martinez, the Cal/EPA Assistant Secretary
7 for Border Affairs, met with various stakeholders
8 regarding the project and learned about their concerns.

9 --o0o--

10 SPECIAL ASSISTANT DUMISANI: The Water Board's
11 next steps.

12 In conclusion, today we appreciate the
13 opportunity to hear your comments and other stakeholder
14 comments, and we will consider all comments and this
15 Committee's recommendation. The projects tasks and
16 deliverables will be modified as appropriate. And I
17 personally will take back any comments or questions you
18 may have and forward them to the Water Board. Thank you.

19 CO-CHAIRPERSON LEE: Thank you, Malinda, for
20 giving this presentation to us.

21 Are there questions from the Committee members
22 about the presentation? Okay, Jose and then Joe.

23 ADVISORY COMMITTEE MEMBER BRAVO: I have a
24 question. My question is this. I looked at I guess some
25 of the preliminary results of some of the testing that has

1 already been done. And I see that there's only
2 agricultural runoff and sewage as part of what's being
3 looked at in regards to the New River.

4 I myself have worked on this issue for a couple
5 years I guess back in 1994, '95. And part of what we were
6 seeing was that there was a lot of contamination from
7 Maquiladoras coming in from Mexicali. And part of the
8 reason why was that Maquiladoras had not complied with
9 Mexico law in putting pre-treatment plants in regards to
10 their discharge waters from the plants.

11 As far as I understand in having communications
12 with some groups in Mexico, I still see that there's that
13 growing concern that, aside from sewage and from the
14 agricultural runoff, the Maquiladoras impact is still
15 there. And I don't see that making the report or any of
16 the questions in regards to what's happening.

17 SPECIAL ASSISTANT DUMISANI: The original focus
18 of the Pilot Project was, again, you're right, on
19 agricultural runoff and the raw sewage from Mexico. But
20 within the Regional Advisory Committee, they were hoping
21 for other avenues to also look at.

22 ADVISORY COMMITTEE MEMBER BRAVO: The reason why
23 I bring it up is if we're looking at the environmental
24 justices impact, usually what happens is that the victims
25 get blamed for either the sewage runoff or the workers

1 around the issue around the pesticide stuff.

2 So what happens is that we have approximately --
3 I don't know right now exactly. But we had 320 something
4 Maquiladoras in Mexicali, primarily U.S. based
5 Maquiladoras, and some Chinese and some Korean
6 Maquiladoras. But the issue again was just looked at from
7 the perspective of the impact from residents to the river
8 and not from the industries that -- you know, I mean, the
9 New River is one of two rivers that flows back into the
10 United States. And it's really interesting that a lot of
11 what's been said for many years is that, you know, the
12 most of the impact is around agriculture and sewage. But
13 we saw with the advent of the North American Free Trade
14 Agreement a great increase in nonpoint source pollution
15 into New River.

16 SPECIAL ASSISTANT DUMISAMI: I think they're
17 working with the Mexican government to try to address some
18 of the issues you bring up. But in specifics, I can't
19 give you any feedback or detail. But I have heard talks
20 about them working with the Mexican government to work on
21 the issues of the Maquiladoras polluting the New River as
22 well.

23 ADVISORY COMMITTEE MEMBER PRASAD: Mr. Bravo,
24 what we'll do is we'll ask that question and get back to
25 you or what the Water Board and the Regional Board has to

1 say. Whether it is included in one of these categories or
2 it is not included, we'll make sure to clarify that for
3 you.

4 ADVISORY COMMITTEE MEMBER BRAVO: Again, the
5 question is this that it's a classic example of what
6 happens on waterways when we're talking about binational
7 impacts, right. In the Tijuana River, in Tijuana, San
8 Diego, Congress put up a water treatment plant which was
9 inadequate because of the contamination coming from the
10 Maquiladoras again. And these are U.S. based
11 Maquiladoras. And was inadequate. And Congress was told
12 back that the environmental concerns on the Tijuana River
13 estuary and the Tijuana River were dealt with.

14 Well, I think that plant probably went into
15 operation for about three or four days. Then it had to be
16 shut down because of the number or the quality of or the
17 quantity I should say of chemicals, not sewage, but
18 chemicals in that water from the industries from the
19 United States doing business in Mexico.

20 CO-CHAIRPERSON LEE: Joe.

21 CO-CHAIRPERSON LYOU: Malinda, I'm not sure you
22 know the answer to this, but you could pass it along to
23 the Water Board staff if you don't. There's a statement
24 toward the end of the report back that said that you
25 mentioned it in November Mexico substantially reduced or

1 the wording here is substantially eliminated 12 to 20
2 million gallons of raw sewage that were routinely present
3 in the New River. Is that -- I mean, is it considered now
4 full treatment? There were no raw sewage going into the
5 river? It's unclear to me whether or not raw sewage is a
6 problem at all anymore. If it isn't, I'd like to make
7 sure I understand that.

8 ADVISORY COMMITTEE MEMBER PRASAD: It's not a
9 problem as much as used to be. But there is still raw
10 sewage still going in.

11 CO-CHAIRPERSON LEE: Ron.

12 ACTING ADVISORY COMMITTEE MEMBER REED: I was
13 just -- am I correct health data hasn't been collected
14 yet?

15 SPECIAL ASSISTANT DUMISANI: Health data has been
16 collected we hear by the stakeholders, health data by the
17 Water Boards and the Regional Boards is in development.

18 ACTING ADVISORY COMMITTEE MEMBER REED: Because I
19 was going to say that if health data hasn't been collected
20 yet, I mean, that's an extraordinary task in itself. And
21 I know that probably the only reason why we're probably
22 the Kaduk Tribe and the rest of the Tribes are at the
23 table today is because we had a report denied access to
24 traditional foods which is in my perspective is
25 responsible for the declining health, the severe economic

1 depression up there along the river and things like that.
2 But we did that, and it cost quite a bit of money and
3 quite a bit of time.

4 So if we incorporate that within this Pilot
5 Project, you know, the \$20,000 that we received to do what
6 we did is poultry in, you know, in this -- I guess in the
7 amount of resources needed to do an adequate job of the
8 health data collection, you know, along with identifying
9 all the issues and concern. It's a huge process. And I
10 guess maybe I'm just kind of waking up a little bit, but
11 that's a lot of my frustration of working on this Pilot
12 Project is the time lines, the money, issues, and trying
13 to comply with the bureaucratic issues, kind of compile
14 everything and try to make it work. So I guess I'm just
15 venting.

16 ADVISORY COMMITTEE MEMBER PRASAD: In fact, we
17 recognize that one of the issues that is another issue
18 that's been considered is how far in this Pilot Project
19 really the health data can be analyzed is the quality of
20 the health data. Those are the issues they are also
21 facing. Just like as you said, it's an enormous task by
22 itself. And the whole issue of the expertise involved in
23 order to do the analysis has also come into the picture.

24 CO-CHAIRPERSON LEE: Jose.

25 ADVISORY COMMITTEE MEMBER BRAVO: In regards to

1 some of the health data, I think some of the health data
2 that existed way back when was from ATSDR, and that health
3 data that ATSDR helped to put together made a conclusion.
4 And the conclusion was that there was not enough impact to
5 humans because of the fact that humans do not recreate or
6 use the New River in the sense that after that person from
7 ATSDR made that comment in the Calexico meeting, Board of
8 Supervisors meeting, we showed him video of people fishing
9 at the New River and consuming fish, African American
10 people, Mexican folks, and people also from the Torres
11 Martinez reservation that used the Salton Sea as their
12 traditional ceremonial area.

13 CO-CHAIRPERSON LEE: Malinda, I have two quick
14 clarifying questions for you. It wasn't clear to me from
15 the report that we were provided. Under the research and
16 inventory of all Tribal proposed precautionary approaches,
17 there's a subsection that that says that they are going to
18 recognize the proposal from the concerned citizens on the
19 west side of Calexico to pipe the river outside of
20 Calexico. And the proposal from CNRC to pipe and treat
21 the river even though the RAC is not pursuing those
22 proposals is precautionary approaches. Can you explain
23 what that means?

24 SPECIAL ASSISTANT DUMISANI: I think they're
25 considering both of those options as long-term strategies.

1 As far as whether or not they're actually going to go
2 forward with the proposals, that's something that the
3 Water Board would have to address directly. But those are
4 two long-term strategies that the Regional Board and the
5 Water Board have heard from the stakeholders, so they're
6 investigating it further.

7 CO-CHAIRPERSON LEE: Okay.

8 SPECIAL ASSISTANT DUMISANI: Does that clarify
9 your question?

10 CO-CHAIRPERSON LEE: It wasn't clear to me if
11 they're saying it wasn't a precautionary approach or it
12 was a precautionary approach they rejected, and if so on
13 what basis?

14 SPECIAL ASSISTANT DUMISANI: To the extent
15 whether or not it's a precautionary approach is one thing.
16 But I think as far as the long-term strategies of
17 something they could do to address the New River pathogens
18 and what have you that's in the river, that's kind of a
19 separate way to look at it.

20 CO-CHAIRPERSON LEE: And then this is just my
21 ignorance about TMDLs, but there's a discussion that says
22 that the Regional Board expects the completion of a
23 particular silt TMDL in 2009. Completion of the TMDL
24 means that the --

25 SPECIAL ASSISTANT DUMISANI: That's the nutrient

1 TMDL is in 2009.

2 CO-CHAIRPERSON LEE: But does completion of it
3 mean the river then meets a specified limit, or they have
4 established a limit for the river to meet? Or what does
5 completion of a TMDL mean?

6 SPECIAL ASSISTANT DUMISANI: If they're going to
7 establish the limit, that's exactly what that means.

8 CO-CHAIRPERSON LEE: So they'll have an idea of
9 where they want to be, but they won't be there?

10 SPECIAL ASSISTANT DUMISANI: Right.

11 ADVISORY COMMITTEE MEMBER COBB: Can I answer
12 that, because this is sort of what I do. The TMDL is
13 based on a river body or some kind of water body that is
14 limited for certain purposes by certain constituents. And
15 the Regional Boards determine how to allocate the
16 continued contribution of those constituents to that water
17 body in such a way as to achieve the goal of reducing the
18 levels below whatever the magic amount might be, the level
19 of acceptability.

20 And so it's an allocation process. The
21 allocation process usually in effect always is accompanied
22 by some sort of a time schedule. It may involve
23 construction activities because of the need to build a
24 sewage treatment plant. It may involve best management
25 practices to wean the agricultural interest away from

1 certain kinds of uses and so forth. Typically, the amount
2 of time to implement a TMDL is anywhere from five to 15
3 years depending upon how bad the problem is and how much
4 is needed to fix it. So that's what would begin when
5 the --

6 CO-CHAIRPERSON LEE: Given the magnitude of this
7 problem, we are looking more than 15 and less than five?

8 ADVISORY COMMITTEE MEMBER COBB: Maybe 25. I
9 don't know.

10 CO-CHAIRPERSON LEE: If there are no other
11 questions from Committee members to staff, we are going to
12 turn now to public comment. And I think we're going to
13 start with a group of three commenters who have asked for
14 Spanish translation. And I apologize for mispronouncing
15 their names, Ernestine Calderon. Thank you. Genoveva
16 Jimenez and Ciro Calderon.

17 CO-CHAIRPERSON LYOU: If you need English
18 translation of the Spanish comments, it's recommended you
19 pick up a headset.

20 CO-CHAIRPERSON LEE: I have been corrected.
21 There are two people who are going to do a presentation
22 first. And I need to know which two people that is to be
23 able to introduce them. I'm sorry. I have lots of cards
24 here in front of me in no particular order. This will be
25 Julio Rocha and Mariana Jimenez.

1 MR. ROCHA: Good afternoon.

2 CO-CHAIRPERSON LEE: Push the button on the
3 microphone, and it will turn green.

4 MR. ROCHA: Good afternoon. My name is Julio
5 Rocha, and I come from the city of Calexico. And the
6 reason I'm here today is because I'd like to address a
7 big, big problem, not an issue. It's a problem.

8 So first of all I'd like to speak about the
9 people. I heard a lot of -- first of all, I'm
10 representing the area around the New River, because I live
11 three blocks away from the New River. So the first item
12 I'd like to speak to is regarding the people. Every time
13 people walk to me or they see me, they're very concerned
14 about that issue. And like I said, they always asking me
15 questions regarding, you know, what they're doing with the
16 New River. And that's why I'm here today.

17 Second of all, regarding the New River, it's
18 actually -- it's contaminated. And the reason is I can
19 tell you it's contaminated because, you know, I do
20 business with air conditioning people. And mainly, mainly
21 when they go up to the houses and the people have been
22 talking to, when they ask them about what seems to be the
23 problem, they say you got a lot of leaks on the piping
24 system of the air conditioning. And my first question to
25 them is, why is it because we had leaks on the piping

1 system? And the first -- you know, the first item they
2 say is, well, you got it three blocks away from you
3 because of the river because it's very contaminated. So I
4 think that's a big issue right there. If it's harming the
5 air conditioning piping system, what is it doing to us?
6 So I just wanted to bring it to your attention.

7 Another issue that I'd like to see but in the
8 future is to be -- if it can be done, because it was done
9 in Mexico, encase it. Cover the New River. That's the
10 whole purpose of us being here. We want to bring it to
11 the Committee if there was any funds available that can
12 start doing the process for it, because if they did it
13 across the border, why can't our community or our state do
14 it?

15 And the final issues is that it seems that the
16 project hasn't gone probably haven't seen it gone through.
17 And I'd like to just kind of keep it in mind that that is
18 actually a racism issue or it's actually something that is
19 going to be done in the future. You got to keep in mind
20 that we live right next to the New River. And it's
21 actually not a New River to me. It's only a drainage.
22 That's the way I look at it. I'm not a chemist, but I can
23 smell it.

24 Thank you.

25 MS. JIMINEZ: My name Mariana Jiminez, and when I

1 was 15 years old, I got the West Nile Virus. I live a
2 block away from the New River. And to be 15 and have
3 that, it's quite horrible. And if my state and my, I
4 guess, this country can't really do much about it when
5 Mexico did having less resources, I find that quite
6 ridiculous, honestly. I'm not saying you're not trying to
7 do anything, but it's been brought to my attention there
8 was a Pilot Project to do something about it. And if this
9 was -- this started I suppose two years ago. And I'm
10 really finding out right now I don't think that's right.
11 If they're supposed to involve the community, I'm not part
12 of the community. I'm not sure why they haven't asked the
13 people that live there questions. They said they did a
14 survey or something like that, 400 people. I was not part
15 of it. Why wasn't I, if I'm the one that's most effected.

16 It's not just I guess the West Nile Virus.
17 There's cancer victims right there. And it's
18 predominantly in that area, and I do believe it's because
19 of that river.

20 We don't want no chlorine in it. We don't want
21 it to be cleaned up to a certain status. We want it to be
22 closed. Something needs to be done. And I hope it's
23 within the next two years, because to wait 15, 16, 20
24 years, it's quite ridiculous.

25 And then how he was saying there wasn't enough

1 data to prove that enough people were being affected. How
2 may lives do you want? How many people are we supposed to
3 have to that are getting sick because of this? Why should
4 we wait? Why should there be more casualties? I don't
5 think it's fair. So I'm here to ask you to -- I'm not
6 sure -- maybe extend the Pilot Project or have them come
7 to us directly. Because I've haven't seen any results. I
8 want to see results. Thank you.

9 CO-CHAIRPERSON LEE: Thank you very much for
10 coming and speaking to us.

11 I want you to understand this group is not
12 actually doing the Pilot Project. But we are giving
13 recommendations, hearing public comment and giving
14 recommendations to the State offices that are carrying out
15 that Pilot Project. And we are very, very interested in
16 your feelings about how the project is going. And it
17 sounds like one of the things we need to carry back to the
18 Regional Water Board is that they need to do a better job
19 of using the communities means of communicating amongst
20 itself to get their information out to you. And if there
21 are community events or forums that you're aware of,
22 whether it would be through churches or through community
23 centers, or if you have some suggestions about how we can
24 better connect with you and not put it on you to connect
25 with us, but how we can make sure we are putting

1 information into the places that it's going to be most
2 likely that the affected people see it, we would really
3 like to hear what that is.

4 MS. JIMINEZ: Well, I'm really not sure what the
5 methods were they were trying to use. I don't know. We
6 usually do canyasaes when there's political parties
7 running for that and assembly of any sort. I can assure
8 you that our community will be there because this is a big
9 interest. Any sort of effort will help.

10 MR. ROCHA: I have a question. I just heard that
11 you said that your involvement, correct, the committees,
12 the head person or the head group for funding?

13 CO-CHAIRPERSON LEE: No. This Committee doesn't
14 control the funding. This Committee is an advisory group.
15 And so we look at issues where pollution is affecting the
16 people who are living in California. And we try to make
17 recommendations to the environmental agencies in
18 California about what they can do to better address that
19 situation.

20 And this Pilot Project is one that is being done
21 under the California Environmental Protection Agency by
22 the Regional Water Control Board. And it has come before
23 this Committee before, and we get updates periodically on
24 how it's doing. And we wanted to hear from the community
25 groups this time to better understand from your

1 perspective how this project is going. And it sounds like
2 there are some things that need to be done better. So
3 part of our role is to make sure that that message gets
4 back to Cal/EPA and the Regional Water Board so that your
5 needs can be better addressed.

6 MR. ROCHA: And I thank you for that. And we
7 would like to get involved. I was asking her if she was
8 interested in being in the Committee. And if we can be on
9 the Committee, that's better for us because we probably
10 put a little bit more pressure.

11 CO-CHAIRPERSON LEE: Do we have complete
12 contact -- I think we do. We have phone numbers for you
13 on the cards here, and we will follow up with you.

14 MS. JIMINEZ: Thank you.

15 MR. ROCHA: Thank you.

16 ADVISORY COMMITTEE MEMBER BRAVO: One
17 clarification. When I said that there was no contact,
18 that's the federal government what they told us. It
19 wasn't us. What we wanted to do is grab that guy and
20 throw him in the river so he could see that the impact to
21 the community has been there for over 50 years. And
22 Presidents have come and gone, come and gone making
23 promises to clean up the New River and it's never
24 happened.

25 And that money that was used to make that

1 channelization, it was money that was freed up through a
2 process from the federal government as the project also on
3 the Mexican side, joint project together. And we said at
4 that point we said that's just like what happens in
5 Calexico. What happens to the people that are also living
6 the situation on the other side of that channelization?
7 And it went on deaf ears. But somebody you should
8 definitely put some pressure on, Duncan Hunter.

9 CO-CHAIRPERSON LEE: Ron, if you need to comment
10 now, go ahead. But I'm trying to get -- there's another
11 group that has to catch a plane. I'd like to make sure
12 they can make their comments, and then I'll come back to
13 you if you don't mind.

14 ACTING ADVISORY COMMITTEE MEMBER REED: That's
15 fine.

16 CO-CHAIRPERSON LEE: Thanks. Thank you both for
17 coming and speaking to us.

18 Now I think I have Ciro Calderon, Ernestina
19 Calderon, Genoveva Jimenez.

20 THE TRANSLATOR: My name is Ernestina Calderon.
21 And I live two blocks away from the river. I am a cancer
22 survivor. My son is a cancer survivor two fold. My
23 neighbors on the left side, on the right side have died
24 because of cancer. I have statistics with me that
25 indicate that two or three blocks away from where the

1 river is there are a lot of people that have cancer. They
2 have a lot of allergies, asthma. And even with all that
3 information, they built a park a yard away from the river.
4 And you can't even go there. Why? Because there's so
5 many mosquitos there.

6 So my question is -- well, I've been living there
7 for 21 years. I've been fighting for 21 years. I've been
8 fighting for them to put that river in a pipe which -- we
9 just want them to pipe the river for four miles, because
10 those four miles are the ones that are affecting us. And
11 as my colleague said, "If Mexico was able to pipe it, why
12 can't the U.S. pipe four miles of the river?" Or as
13 people from San Diego have said to me, "Why do you still
14 live there it's effecting you so much?" Well, I live
15 there because I can't buy another house. That would cost
16 me a lot more money.

17 Maybe I won't be able to live long enough to see
18 them pipe that river or enclose that river. But I do want
19 to state this request very clearly. Because the river is
20 polluted. You don't know. You can't even get up in the
21 morning and go out for a walk because the river stinks.
22 There's white foam coming from this river. When the
23 children are playing soccer, they have to stop the game
24 because of the mosquitos. Mosquitos won't let them
25 continue playing. That's why we're here. That's why we

1 made such a long trip so that you can hear this from us.

2 And you become aware that we're not asking for
3 something that's superficial. We're asking for something
4 that will help our health. There's a large hispanic
5 community that lives there, and I hope that you will
6 listen to us today and that you'll be able to know all the
7 harm that's been done to us because of that pollution.

8 I appreciate very much that you listened to us
9 and that you take this into consideration. And please
10 don't take 20 years to enclose that river, please. Thank
11 you.

12 THE TRANSLATOR: My name is Genoveva Jimenez.
13 And I'm here. I'm here in representation of the Calxico
14 community. All of us cannot come to speak, because it
15 would be too many of us. But there is someone that you
16 can contact. And we want to be heard, because we want
17 this river to be enclosed. I'm Mary's mother, and I have
18 a very serious problem when she became ill. Unlike her
19 case, we've seen many people who have become sick because
20 a lot of people live close to the river. And this is why
21 we are here. We are activists, spokespersons for all those
22 people who cannot come. But we do want to be involved in
23 these projects. Thank you.

24 THE TRANSLATOR: My name is Cido Calderon. What
25 I'd like to say is lots of years have gone by. A lot of

1 people are very sick. And all the time, I've been living
2 there two blocks away from the river. There's been a lot
3 of sickness. And we're just hoping, hoping that all these
4 years don't keep going by that we have to live with what
5 we've been seeing so far.

6 I just heard about the pilot program. That
7 there's a Committee in Calexico, which is not involved
8 with the residents and those of us who live closest to the
9 river. I have no idea why not. I just now heard about
10 the pilot program, what it's about, what it's dealing
11 with. And I hope that having come from so far away --
12 excuse me. I can't go on. Thank you. I can speak any
13 further. I feel awful. Please excuse me.

14 CO-CHAIRPERSON LEE: Thank you very much for
15 taking the time and the effort to come up here. We
16 appreciate the effort you made. And I want you to know we
17 have heard what you have said and we will do everything
18 that we can.

19 Do we want to get through the next few commentators
20 or do you want to -- Committee members, do you need to
21 speak now? I think we had more people who have a plane
22 they need to catch. That's what I'm gathering. So I'm
23 going to move along with the commentators. I have three
24 commentators: Eric Reyes, Miguel Figueuroa, and Sara Magaa
25 Withers.

1 ADVISORY COMMITTEE MEMBER BRAVO: Just a point of
2 order. Do we have representatives from the Pilot Project
3 here?

4 CO-CHAIRPERSON LEE: I'm sorry. Who?

5 ADVISORY COMMITTEE MEMBER BRAVO: Whoever.

6 CO-CHAIRPERSON LEE: From the Water Quality
7 Board? He's apparently on medical leave and was unable to
8 be here today.

9 MR. REYES: Eric Reyes, I'm the Executive
10 Director of the Institute for Socio-Economic Justice, an
11 organization working on environmental justice issues in
12 Imperial County and intertwining areas. I'm also on the
13 Citizens' Forum International Boundary Water Commission on
14 the Colorado River, also was the point leadman on the San
15 Diego County Water Authority Imperial Irrigation District
16 Water Transfer representing stakeholders from the bottom
17 up -- I always speak fast -- representing United Farm
18 Workers Environmental Defense Latino Issues Forum and the
19 Pacific Institute.

20 As I have grown and evolved as an individual who
21 was a teacher in Calexico High School and saw the impacts
22 of the New River to the community, and there was an
23 opportunity to start a new organization dealing just
24 directly with how to organize communities and help them
25 become part of the process in the decision-making process,

1 obviously the issue that most jumped out at us was the New
2 River. It's an issue that has been in the community for
3 way too long. It's an issue that has been passed back and
4 forth between the State to the federal government, back to
5 Mexico and back across the border without anything being
6 done.

7 And when the Calexico New River Committee was
8 formed in 2001 and so on, I was keenly interested they had
9 finally formed a group that was going to directly address
10 this issue that was home-based, community-based, and move
11 forward from that angle. When they announced the Pilot
12 Project, I was very, very pleased to understand how this
13 was going to happen. And I have another draft I guess
14 from Mr. Perez who I dealt with much on this issue. And
15 he states how many people want to the first meeting. That
16 first meeting drew a lot of interest. It was publicized,
17 and it had a certain angle to it in our community that we
18 had a home-grown hero as we would call her, Celeste Cantu.
19 That was the lead person on that meeting. So obviously
20 that was a star attraction for our community. In
21 particular, many politicians and hopeful politicians and
22 policy makers were involved in the very, very first
23 meeting.

24 Subsequently, they made some commitments and
25 promises. I think these people who attended that meeting

1 maybe never had the true intent of following through on
2 that. That's part of our democratic process. It's
3 flawed, but it's what we live in.

4 From that point, then they had follow-up
5 Committee meetings, which I attended. And Mr. Perez does
6 recognize me in his draft, although I'm not a Calexico
7 resident. But those meetings were sparsely attended, and
8 we addressed those issues. We asked them, you need to do
9 a better outreach. You need to communicate in Spanish.
10 The majority of our people on the west side, in
11 particular, I would say 90 percent of them of the adult --
12 I'm sorry -- 90 percent of the adults do not speak English
13 because it is a low-income area and very low education
14 level. And I said, you need to not have meetings at San
15 Diego State Library. In Imperial County, we have
16 statistics by the Center for Border Resource Education, 67
17 percent of our adults in the Imperial County have never
18 attended any college whatsoever. So hosting meetings at a
19 San Diego State Library was not the most appropriate place
20 for this type of community-based organization.

21 And these issues were told to them. So EPA knew
22 these issues. EPA knew there were not people attending
23 these meetings, and we told them why from our perspective,
24 yet they continued on the same path. Then when they did
25 the Subcommittee Technical Committees, Mr. Perez and Mr.

1 Jose Angel who represents the southern region were there
2 and I said, "You cannot make subcommittees if the people
3 you are appointing are not here and making a commitment to
4 it." Yet, they went ahead and did that.

5 I specifically told the Executive Director -- not
6 the current one, but the previous Executive Director, ask
7 these people if they want to be on these committees,
8 otherwise -- sorry about that. I get excited. Ask these
9 people you are appointing today whether they truly want to
10 be on the Committee or this will not get done in the way
11 it's supposed to. But they went ahead. And our EPA
12 people as well went ahead with this plan to appoint these
13 people, many people from the Calxico New River Committee.
14 I understand Executive Director said, "They're on the
15 Committee, therefore they are committed." The thing is,
16 you have to ask these people. And you have to include --
17 I said, "What about residents? Are we going to include
18 them in any of these process?" They said, "Sure, we will.
19 Of course, we will." And Jose and Mr. Perez said, "They
20 need to come aboard." This is not the response I wanted
21 from a State agency as to when I asked them will the
22 residents be involved. Not they need to come on board.
23 We need to get them involved. That should have been the
24 response they should have had -- that's not what I
25 received. To this date, it's not what I received.

1 We had the very good pleasure of meeting with
2 some representatives in Calexico, and they have made the
3 commitment to us now. Communication, a wider range of
4 communication, more stakeholders involved, and public
5 outreach from them to supplement what we do. That's a
6 commitment I'm going to hold you guys to as an agency,
7 Mr. Shankar. And it was great to see their willingness to
8 talk to the residents one on one away from areas that
9 maybe our residents won't be able to come.

10 And we held a previous meeting with Mr. Jose
11 Angel only. And later he said, "I think you're setting me
12 up for something," because I had 20 residents and I bought
13 them food. If you feed them, they will come. I bought
14 them food at a Carrows restaurant, and we had a meeting
15 and they vented. These residents here, they participated,
16 some of them there and more others that live around there.
17 And they vented. I says, "Jose Angel, you have to listen
18 to them whether you like what they're saying or not.
19 Whether some of the things they're demanding are realistic
20 or not, they have the right to tell you, and you have the
21 right to listen to them. You have to listen to them. You
22 are our servant. We are not your servants." And as he
23 walked out he said, "Okay. This was not what I thought.
24 I thought it was a complete setup. It's only half."

25 So the thing is -- and a public agency needs to

1 deal with people, as I've heard here as Ron Reed has so
2 eloquently, from bottom up. People on top have to be
3 involved. And they included -- I don't know like I said
4 in this draft from Mr. Perez, he set out the goals and
5 objectives. And I read this earlier. And the first goal
6 and objective was establish a regional advisory group
7 comprised of community, government, and Tribal members
8 impacted by decisions or activities along the New River
9 and conduct meetings on a regular basis for the duration
10 of the Pilot Project.

11 I guess in theory they did meet that. But what
12 we were looking for was residential empowerment,
13 residential organizing. My organization has a catch
14 phrase: Organizing for empowerment. That's what I was
15 looking for. That's what we didn't see. And they made
16 this a regional advisory group again from that Celeste
17 Cantu meeting. Therefore, the level of the people there
18 were more agency driven, more institution driven, and more
19 political. And that's what you have if you have this
20 agencies represented, politicians represented, yet not one
21 single resident of Calexico west side who are the most
22 directly impacted and effected.

23 This is problematic in all government. I'm not
24 going to lead just in Calexico. But this is how things
25 are done. It's the wrong way. I think we all know that's

1 the wrong way. We've all been through this. We've
2 experienced this. We need to do better, because they have
3 suffered the impact. I'm not a resident. I'm not going
4 to say I have suffered the impact. They have suffered the
5 impact. Ms. Calderon has talked to you about herself and
6 her son. I just lost a good friend one street closer. He
7 just passed away. He was an organizer for the United Farm
8 Workers and a very dear friend of mine.

9 Those are the issues -- he just died last week.
10 These are the type of people who need to be represented
11 here. Agencies are one thing. You guys have your
12 mission, your goal, and we respect that. And we expect
13 our residents to be respected as much. Their voice has to
14 be heard, and what they ask you has to be addressed. And
15 if it's unrealistic, you need to tell them up front and
16 tell them why, not keep pushing them to the side and let
17 another generation feel the impact.

18 We hope the Pilot Project with Calexico New River
19 continues. We think there's a lot of potential. We want
20 to assist the Calexico New River as we've told them before
21 in helping keep the residents engaged. We think if you do
22 continue the Pilot Project, you put your modifications --
23 and we've asked Cal/EPA, please, you have to be involved
24 every step of the way. And your communication has to be
25 open, not just to the Calexico New River Committee, but

1 directly to the residents as I was promised and other
2 stakeholders as well. That's what I call community
3 empowerment. That's what you call organizing.

4 And maybe I have an organizing background, so I
5 understand maybe in a different sense. The point is, when
6 you see people come from Calexico first -- one person it
7 was the first time they've flown on an airplane. Others
8 who have to take time from their work. People who maybe
9 don't get paid if they don't go to work. This is the type
10 of community that live there. They need to be respected,
11 and they need to be given your time. Thank you.

12 CO-CHAIRPERSON LEE: Thank you for your comments.
13 Miguel Figueroa and Sara Magaa Withers.

14 MR. FIGUEROA: My name is Miguel Figeuroa. I'm
15 the new Executive Director for the Calexico New River
16 Committee.

17 In order not to be repetitive and it was well
18 explained by Mr. Reyes, we believe that in the Imperial
19 County we are uniting the agencies coming under one voice
20 with a community. That's the sole purpose that we are
21 here for and that we're reaching out for, come under one
22 voice, all the agencies in the community to unite and
23 express to our State and federal officials and agencies
24 the necessity of encasing the New River.

25 The CNRC was formed back in 1999 with a firm goal

1 of encasing the New River. There is a project already, a
2 Work Plan that the CNRC has, as Mr. Reyes said. It is
3 important that we go out to the community and that
4 something that in a sense the Pilot Project did not meet
5 the expectations that it initially was meant to. But we
6 agree that we need to move forward, the CNRC along with
7 other agencies, in our county and work together in order
8 to provide that community outreach that's necessary and
9 that needs to happen in order to get this river encased
10 Because the bottom line, we believe, and as you've heard
11 from local residents that came down to give their
12 testimony, we need the river encased in the city of
13 Calexico.

14 I want to make another comment on a survey
15 analysis that the CNRC performed. This was done through
16 30 face-to-face interviews with people from the west side
17 of the city from where Ms. Calderon where they come from.
18 This was taken from a random sample of 30 households. And
19 I just want to read a brief paragraph on this survey
20 analysis so you guys can have an idea of the view and
21 mentality and the intake of the people that are strictly
22 affected by this New River.

23 "They also comment on how embarrassing it is when
24 people come over to visit and smell it," referring to the
25 New River. "Yeah, they notice it right away. That's kind

1 of embarrassing," a resident explained. "And we never did
2 anything out back. That's what's worse. It's worse in
3 the back than in the front. If we were going to do
4 something, have people over, which typically we have over
5 there, every other weekend to unite as a community or
6 something outside, not anymore. We just don't do it."

7 Another adds, "Look, if you invite someone over
8 or if you have an embarrassment that in the evenings there
9 is a smell that is there whether you clean or not. If you
10 have your house clean, okay. But it smells bad, and it's
11 not your fault. What are you going to do? You can't help
12 it."

13 This is the testimony of a Callexico resident that
14 lives a quarter mile away from the New River. The New
15 River is their backyard. These are legal residents that
16 live in the city of Callexico. These are U.S. citizens we
17 are talking about that we need to go out and they are --
18 they're asking for the help of their State and federal
19 agencies. That's why at the CNRC we believe that we have
20 a plan, a project, that we can work from and move on with,
21 which is the encasement.

22 I want to acknowledge also the comment made by
23 one of the Board members here with regarding the
24 involvement. I believe that people, actual residents,
25 actual people that live or agencies that are located in

1 the city of Calexico and Imperial County should take part
2 in these forums. This way we can have -- we are here.
3 The people that actually live through this day by day. So
4 I think that's a petition that we certainly want to take
5 in our hands and go back with and take as an invitation to
6 be here back again to give a follow up to why we're
7 working here for the New River. Thank you.

8 MS. WITHERS: I'd like to thank the Committee for
9 taking time out your busy day to come out here and
10 especially the residents of the city of Calexico. And the
11 surrounding region.

12 My name is Sara Magaa Withers, and I'm a newly
13 appointed Board member for the Calexico New River
14 Committee. But I'm also the Director of Development for a
15 large development firm. We specialize in clean sites and
16 sites that are pristine that anybody would venture to do.
17 But we also take on some very challenging sites. Just
18 recently, we cleaned up a 39-acre landfill in the city of
19 Palm Springs, of which I had the privilege of working with
20 Ms. Fowler with the Department of Toxic Substances.

21 We recently purchased 200 acres west of the New
22 River, which our property surrounds that area. We have
23 the opportunity to bring thousands of jobs to a region
24 which has a very high unemployment rate, not to mention
25 the millions of dollars of revenue that could come in for

1 housing, for education, for job creation, et cetera. This
2 is a region that has tremendous need.

3 This project here isn't a redevelopment area, of
4 which many of you may be familiar with. We went ahead and
5 purchased this property with no assurances of even the New
6 River being cleaned up. We spent millions of dollars
7 acquiring all the sites, because there was numerous land
8 owners, because we believe in the efforts that the
9 Calexico and New River Committee and the entire
10 community's taking. We believe that the State of
11 California and the federal government will step up to the
12 plate and do the right thing.

13 I'm really amazed and appalled that in the city
14 of Mexicali their problem is complete or almost completed.
15 Yes, they are the contributors of many of the issues and
16 the pollution that comes into the U.S. site, but I cannot
17 believe that we're going to sit on our hands as Americans
18 and watch this take place. I have been witness with the
19 Border Patrol of people crossing the river where they're
20 so contaminated that the Border Patrol will not touch
21 them. They will not even get near them.

22 I'm also concerned about the potential of having
23 thousands -- millions of people coming to visit here. Our
24 project will definitely change the face of Calexico and
25 the region. We have the opportunity to really make this

1 project an example of what these border communities to use
2 international treaties to make them really a catalyst and
3 an exemplary for changes within the rest of the regions.

4 But we are here today to ask for your support.
5 We have a plan that in 24 to 36 months we can process our
6 project. This is a project, as I mentioned, it
7 encompasses over 200 acres. We have already gotten
8 significant interest from not only industrial, commercial,
9 retail entities, office, et cetera, that are willing to
10 come here and commit to bringing prosperity to this area.
11 But without your help, we cannot do this.

12 When we have a retailer that tours the area,
13 they're very impressed by the large number of people, the
14 buying power of the community, the need. But the first
15 question is, what do we do with the New River? And what
16 are the health risks?

17 As I mentioned originally, our company
18 specializes in environmentally challenged site. We've
19 cleaned up numerous gas stations, chromium contaminations,
20 et cetera. And our environmental experts have reviewed
21 the documentation, the preliminary documentation, and
22 remediation efforts that the Calxico New River Committee
23 has commissioned, and they have determined that these are
24 good alternatives. Obviously, there's a lot more work
25 that needs to be done. But with these small grants,

1 there's only limited amount of money. Therefore, we need
2 to unite to make sure that when we give our commitment, we
3 give our full commitment. Because I believe that this can
4 be a star project that can be an example for the rest of
5 the country and even internationally. Because there's
6 other areas that are affected by international issues such
7 as this.

8 With that being said, I won't take up any more of
9 your time.

10 MR. FIGUEROA: I just want to add that I have
11 several copies here if any of you guys are interested. I
12 will be more than happy to leave the community survey
13 report that we had.

14 CO-CHAIRPERSON LEE: I'm very interested. If you
15 could bring a copy up here, we'll make sure all the
16 Committee members get that. Thank you so much for coming.

17 And I have a card from Amy Vanderwarker. Sorry.
18 I'm having a hard time reading today.

19 MS. VANDERWARKER: Amy Vanderwarker from the
20 Environmental Justice Coalition for Water.

21 And I just wanted to quickly address, you know,
22 we did submit a comment letter. This has been publicly
23 noticed for this meeting about the Environmental Justice
24 Coalition for Water's concerns as Melinda mentioned in the
25 presentation. And, really, our coalition is really here

1 because we heard the reports that were being given here in
2 Sacramento. Did talk to some of the agency folks. And we
3 also spoke with residents. That is over the course of the
4 past year. Our concerns really came from the disconnect
5 we saw between what was happening on the ground and what
6 we heard here. So that was really how our coalition
7 became involved. And that's really -- you know, you've
8 heard people speak very eloquently about what needs to
9 happen.

10 So I just wanted to clarify that's how our
11 coalition became involved. That's really what our
12 concerns are about, the disconnect between what was
13 happening on the ground and what was happening here in
14 Sacramento.

15 And I just want to notice -- just make the
16 comment finally that I think there is a really great
17 opportunity here for everyone to move forward with this.
18 I think people here have spoken much more eloquently than
19 I about how many broken promises have been made. I think
20 at this point everybody including even the State Board,
21 the Regional Board -- I did have a conversation recently
22 with the Regional Board are onboard with encasement.
23 There is a plan that the Calxico New River Committee has
24 put together that is about encasement. And as you've
25 heard, that's what residents would like to see is

1 encasement.

2 One of the things specifically that I want to
3 just clarify some of the resident testimony is one of the
4 pieces of the final recommendations of the final report of
5 the Pilot Project was chlorination, is the chlorination of
6 the river. And you can talk to residents a little bit
7 more about it directly. But that is not something that
8 people are really in favor of. And you've heard again the
9 message loud and clear, encasement. And just as a side
10 note, massive amounts of chlorination as a precautionary
11 approach, I would really question that very much from an
12 environmental justice perspective.

13 So I just wanted to conclude. I think the role
14 that this Committee could play which would be really great
15 is urging, sending recommendations to Cal/EPA to send a
16 strong message to the Regional and State Board that
17 encasement needs to happen, that that's the
18 stakeholders -- all the stakeholders from the residents to
19 the organizations to the agencies can move forward with
20 the encasement plan, that it should move forward and
21 working at both the State and the federal level to get
22 funding to make that project happen. Because that's what
23 it's going to take because the project is so huge, as
24 you've heard. Thank you.

25 CO-CHAIRPERSON LEE: Thank you very much.

1 Are there any other public comments? Karen

2 Douglas is coming to the microphone.

3 And, Melinda, if there's someone who sent

4 something in that I have missed --

5 MS. PIERCE: I just have a quick comment. Karen

6 Pierce.

7 This testimony just exemplifies why we need to

8 have the guidelines done. It was a good attempt at doing

9 an environmental justice and a precautionary approach

10 project, and basically it has failed. It's fallen flat on

11 its face. When you hear from people who live three blocks

12 away from the project and they're finding out two years

13 later that the project is going on.

14 So this more than anything we said this morning

15 ought to get you to move to get those guidelines and get

16 them in a manner that allows us to move forward and get

17 real policy, get some State legislation that will require

18 the kinds of projects that we're trying to get here.

19 CO-CHAIRPERSON LEE: Thank you, Karen. And I'm

20 sorry I messed up your name.

21 MS. STONE: Hello, again. I'm so glad to see

22 community members from some of your various projects that

23 I heard about at the last meeting, because I heard people

24 working in those communities or -- I don't know -- from

25 the companies or whatever talking about the success they

1 had with the projects. And I was really concerned that we
2 hear from the communities where the projects was going on.
3 And it lets me know that this kind of thing is going on
4 everywhere, not in just in some communities. But all the
5 communities are being impacted and in a very serious way.
6 And I really hope that we can address some of these
7 concerns.

8 CO-CHAIRPERSON LYOU: Thank you.

9 Are there any other members of the public who
10 would like to address this issue of the New River Pilot
11 Project?

12 How does the Committee feel about moving forward
13 with the discussion about this issue and without any
14 delay? Those in the room say yes. Cynthia has a comment.

15 ACTING ADVISORY COMMITTEE MEMBER BABACH: I have
16 two, one from Barry, if you can even believe I'm Barry's
17 spokesperson for a moment. I really ought to take
18 advantage of the situation. He must trust me today.

19 Barry feels that we need a special communication
20 to the Secretary on the testimony that we heard today with
21 a report back at the next meeting from staff. And he said
22 this is the first time that we've heard about this, and
23 the Secretary should hear about it. And something should
24 be done about it.

25 CO-CHAIRPERSON LYOU: He wanted a special --

1 ACTING ADVISORY COMMITTEE MEMBER BABACH: Special
2 communication to the Secretary on the testimony heard here
3 today with a report back at the next meeting from staff on
4 what we heard from the residents. I can give you this
5 paper if you want.

6 And then I just wanted to say --

7 CO-CHAIRPERSON LEE: Cynthia, that was Barry's
8 comment you were making?

9 ACTING ADVISORY COMMITTEE MEMBER BABACH: Yes.

10 I wanted to say that I guess a couple years ago I
11 had some friends come out from New Jersey, the garden
12 state, which is like one of the most toxic places on the
13 earth. And my husband does machinery repair. And he went
14 down to Mexico to do a job down there. And when they came
15 back, they were so anxious to develop their vacation
16 pictures. And the pictures that they brought me that I
17 still have taped to my computer are of this red/green
18 foaming river, the New River. So I just want to say that
19 every morning I look at that.

20 And as I work in my own community, it doesn't
21 mean that we don't feel the ties to the other communities
22 that are in the same situation. And, certainly, I'm sure
23 there's something that can be done. And it's up to us to
24 help try to put pressure on it to get something done.
25 This is a community that already has a game plan. You

1 know, they're on it. Let's support them.

2 CO-CHAIRPERSON LEE: Okay. Diane and then Ron.

3 Oh, sorry. Do I have that backwards? Ron, than Diane.

4 ACTING ADVISORY COMMITTEE MEMBER REED: I want to
5 make a quick comment. I want to state that, you know,
6 we're in these Pilot Projects for a reason. There is some
7 dramatic impacts to the health of people. And those are
8 real. I think everybody in the room can sense these are
9 real issues.

10 In the sense of equity, you know, if you don't
11 live it, if you don't see it, you're not really affected
12 by it. And a green foaming river, the Klamath River used
13 to be the third largest salmon-producing river on the west
14 coast. And now we're at such a point where my grandfather
15 fished, where I fish, my uncles fish there. I'm fishing
16 there. And there's a question. We caught 100 fish last
17 year. There's going to be a question if my children are
18 going to be able to fish there for their future. And to
19 me, that's a huge issue.

20 And right along that same issue, you get
21 magnificent massive alga blooms in the Klamath River, and
22 it just so happens that the alga blooms happen at the same
23 time of our ceremonies. Just so happens the alga blooms
24 just seem to happen right when the fish start running. So
25 I'm sitting there with fishery waiting for the fish to

1 start running. And now all of a sudden you see a
2 florescent green water come down right down the river and
3 you know the fish are coming. But florescent green isn't
4 the color of the water it's supposed to be under. And
5 those are the resource issues. That doesn't even get to
6 the impacts of my people.

7 When I first started doing this, there were nine
8 full-blooded Karuk people alive. Five of those people are
9 in my family. Three of them died within a year and a half
10 of diabetes, of some of the health issues that I'm
11 addressing in this Pilot Project. These are real issues
12 for us, and we need real solutions. These are third-world
13 problems for third-world communities.

14 The Karuk people are very proud people, like all
15 the other Native Americans along that great river. We are
16 not a third-world country. So we shouldn't have any
17 third-world communities. Thank you.

18 CO-CHAIRPERSON LEE: Diane.

19 ADVISORY COMMITTEE MEMBER TAKVORIAN: You know, I
20 want to thank the people who made the journey here to
21 speak with us. And I'm very grateful that people felt
22 strongly enough that they would come and felt they could
23 get some action from us, which I hope we're able to
24 deliver.

25 We're feeling -- as you may have heard, I'm

1 feeling -- speak for myself -- not very much like we
2 have -- we're feeling as frustrated as you are about not
3 only your situation, but about the situation in each of
4 our communities, I think as Ron has said. So I'm
5 concerned about what we can really make happen.

6 I have to say that I think that the testimony
7 today we should have heard quite awhile ago in the
8 beginning of this Pilot Project and that that should be an
9 element of a Pilot Project, that if we're not hearing from
10 the communities alongside with the agency representatives,
11 then we don't have a Pilot Project. I would say maybe we
12 would have not gotten here had we had that as guidance.

13 Secondly, I have a question about why we need a
14 Pilot Project to address this issue. It seems to me that
15 this is a regulatory issue. This is the responsibility of
16 the State of California. It's the responsibility of the
17 Regional Water Quality Control Board with or without an
18 environmental Pilot Project. We should be dealing with
19 this. We should have dealt with it a long time ago. So
20 I'm fully in support of what the community wants as the
21 Pilot Project. What I want is there to be action.
22 Whether this comes this way, great. But I think this is a
23 responsibility for all those communities who don't have a
24 Pilot Project, I don't want them to have to suffer because
25 they haven't been able to get that attention.

1 And the other thing is that encasing in my mind
2 is like exact opposite of precaution. And no one would
3 come up with that as the solution when you're thinking
4 about precaution in the abstract. This is about survival.
5 I don't think folks are choosing this because they think
6 that's the best idea on the planet is to have an encased
7 river. What we should have is a clean river that
8 agricultural runoff isn't going, that Maquiladoras waste
9 isn't going into. That's what we'd all like. But these
10 folks have to reach the conclusion, in order to survive,
11 they have to encase the river.

12 So, you know, it's really appalling to me that
13 we're at still this level of basic survival. And I think
14 what Ron just said to us just another reminder. We have
15 so many other stories that we could tell.

16 So I would hope that we could take an action
17 today to support the communities' recommendations to
18 encase the river and to put whatever resources we have
19 towards that. And if we need another conversation about
20 that with the agency staff being here, I'm also concerned
21 they aren't here in order to have that discussion. But I
22 think we need to take action as quickly as possible to do
23 what the State of California can do to move the
24 community's solution forward.

25 ADVISORY COMMITTEE MEMBER ALLEN: Is that a

1 motion?

2 ADVISORY COMMITTEE MEMBER TAKVORIAN: Yes.

3 ADVISORY COMMITTEE MEMBER ALLEN: Second.

4 ADVISORY COMMITTEE MEMBER TAKVORIAN: And the
5 last thing I'll say because I don't know if the folks from
6 the community know this, is that had the IWG accepted this
7 Committee's recommendations for LAG participation and LAG
8 membership, maybe we would have had community members on
9 that local agency committee or the RAG or whatever it's
10 called in your community. But the community committee was
11 supposed to have community people on it, which we said
12 unanimously and which was not adopted by the IWG. That's
13 another thing you might want to move forward again.

14 CO-CHAIRPERSON LYOU: Just a point of
15 clarification as to the motion. Can you restate the
16 motion?

17 ADVISORY COMMITTEE MEMBER TAKVORIAN: The motion
18 is that the California Environmental Justice Advisory
19 Committee will endorse the recommendations that the
20 Calexico New River Committee has put forward to
21 encapsulate the New River.

22 ADVISORY COMMITTEE MEMBER BRAVO: Just the
23 recommendation?

24 ADVISORY COMMITTEE MEMBER TAKVORIAN: Just the
25 recommendations. And to take action to raise this

1 issue -- again, perhaps it could be joined with Barry's
2 recommendations to have a report back at the next meeting
3 on the community's recommendations, the community's
4 recommendations for solutions to the river's problems at
5 our next meeting. And to endorse their -- well, first to
6 endorse their recommendations, which you have in front of
7 you. Do we all have those? Because these are what you
8 outlined.

9 CO-CHAIRPERSON LYOU: Those came from Eric, I
10 believe, his organization.

11 ADVISORY COMMITTEE MEMBER TAKVORIAN: Are these
12 consistent with --

13 CO-CHAIRPERSON LYOU: You want to read those?

14 ADVISORY COMMITTEE MEMBER TAKVORIAN: -- the New
15 River Committee's?

16 MR. REYES: Yes. It is consistent.

17 CO-CHAIRPERSON LEE: I'll read them just for
18 everyone, especially those who are listening on the phone.
19 The recommendation that we received from Eric Reyes from
20 the Institute for Socio-Economic Justice are the
21 following:

22 For the Pilot Project: That the pilot project
23 include the residents living around the New River west
24 side Callexico in any all meetings, discussions, and
25 decision-making process.

1 Outreach directly to the residents in English and
2 Spanish with fliers and personnel dialogues in a
3 door-to-door campaign and personal calls.

4 Host meetings in the New River residential area.
5 Previous sites were not resident friendly.

6 Create a New River Resident Advisory Committee on
7 the Pilot Project.

8 Invite New River residents to Calexico New River
9 Committee meetings with the added possibility of a
10 resident or residents being on the Board of the Calexico
11 New River Committee.

12 Collaborate with all stakeholder agencies and
13 keep consistent communication open to all residents,
14 health agencies, legislators, and other CBOs.

15 Cal/EPA should foster open communication with all
16 stakeholders for a comprehensive analysis of the Pilot
17 Project with many opinions and recommendations taken into
18 consideration as the Pilot Project is implemented.

19 And then there are three recommendations for
20 addressing the river itself:

21 Residents have sent a clear message of their
22 desire for encasement of the New River, not chlorination
23 from entry to Calexico to out past Highway 98.

24 Commission a cost analysis of encasement now
25 versus eventually cleanup and restoration of the New River

1 bed in the future in the today's dollars.

2 California must prioritize funding for the New
3 River from available funding sources, such as Prop. 50,
4 and urge the federal government to prioritize funding for
5 collaboration to address this long-standing environmental
6 injustice.

7 Diane, does your motion encompass all of these
8 items?

9 ADVISORY COMMITTEE MEMBER TAKVORIAN: Absolutely.
10 Does your second?

11 ADVISORY COMMITTEE MEMBER ALLEN: Yes.

12 CO-CHAIRPERSON LEE: We have a motion and a
13 second.

14 CO-CHAIRPERSON LYOU: I think fourth or fifth
15 item is make recommendations on who would be members of
16 the Calxico New River Committee is probably beyond our
17 scope and mandate. Doesn't have to do with Cal/EPA if I
18 heard it correctly.

19 CO-CHAIRPERSON LEE: The fifth bullet says that
20 they invite New River residents to Calxico New River
21 Committee meetings with the added possibility of a
22 resident or residents being on the Board of the Calxico
23 New River Committee.

24 CO-CHAIRPERSON LYOU: The Calxico New River
25 Committee is a nonprofit organization that operates out of

1 the realm of Cal/EPA. And it I think is beyond our scope
2 to make recommendations with regard to that. I would ask
3 that you amend your motion to take that particular item
4 off.

5 ADVISORY COMMITTEE MEMBER TAKVORIAN: That's
6 fine.

7 CO-CHAIRPERSON LEE: The motion is amended and
8 the seconder has agreed.

9 Ted, you have comments for us on this?

10 ADVISORY COMMITTEE MEMBER COBB: With regard to
11 the top section of bullets, that was the only one that
12 caused me any trouble. The issue of encasement is, as far
13 as I can tell, was not raised in any of the matters that
14 were submitted or that were distributed for today's
15 meeting that came up at today's meeting. It was not in
16 the report as an alternative or anything else.

17 CO-CHAIRPERSON LEE: Yes, it is.

18 ADVISORY COMMITTEE MEMBER COBB: Is it? My
19 mistake.

20 CO-CHAIRPERSON LEE: In fact, it's the thing
21 which I asked for Melinda's clarification. They're
22 referring to it as piping.

23 ADVISORY COMMITTEE MEMBER COBB: They call it
24 piping. I just want -- I don't know if --

25 CO-CHAIRPERSON LEE: On page 5, Item D, Sub-item

1 I.

2 ADVISORY COMMITTEE MEMBER COBB: Well, without
3 going to that, I just want the Committee to be careful to
4 recognize that when you bring up a substantive solution to
5 something, that if that were the subject of today's
6 considerations, other people might have been here that
7 would have a different view. I don't know to what extent
8 the substantive proposals in here put people on notice of
9 the fact that that might be something we would consider.
10 You just want to be careful about that.

11 You're making a recommendation to the working
12 group. And so obviously they can filter these things out.
13 But I just think generally you better be careful about
14 recommending final solutions as opposed to process
15 solutions. Process is what mostly this is about. The
16 actual outcome of the process is something you probably
17 should not be prejudged at this term. I don't know
18 whether encasement is the best answer or not. I suspect
19 no one in this room really does. People have strong
20 opinions. But we haven't heard the other side. I don't
21 know what it would be.

22 ADVISORY COMMITTEE MEMBER BRAVO: It's what the
23 community wants.

24 CO-CHAIRPERSON LEE: So we have an amended motion
25 that includes all of the bullets on the handout page that

1 you've been given with the exception of the fifth bullet
2 down regarding membership of the meetings and membership
3 of the Calxico New River Committee.

4 Brenda.

5 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: I
6 just wanted to know what other CBO, what does that mean?

7 ADVISORY COMMITTEE MEMBER BRAVO: Community-based
8 organization.

9 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS:
10 Okay.

11 CO-CHAIRPERSON LEE: Any other questions or
12 discussion of the motion? Okay. All in favor say aye.

13 (Ayes)

14 CO-CHAIRPERSON LEE: Any opposed?

15 Motion carries.

16 I'm not sure if we explicitly included in that
17 vote, let's do it as a separate vote, Barry's motion
18 about -- his issue about raising the issue --

19 CO-CHAIRPERSON LYOU: It was to --

20 CIWMB EXECUTIVE DIRECTOR LEARY: I've got it.
21 There will be a special communication to the Secretary on
22 the testimony heard here today with a report back next
23 meeting from staff on what we have heard today.

24 And then a comment this is the first time we have
25 heard about this, and the Secretary should hear about it,

1 and something should be done. I think the motion would be
2 that we make a special communication to the Secretary
3 about our concern about this issue and --

4 ADVISORY COMMITTEE MEMBER TAKVORIAN: Just a
5 point of clarification. Doesn't our motion go to the
6 Secretary and --

7 CO-CHAIRPERSON LEE: When I called for the
8 question, I only referred to the motion covering this. So
9 I just want to make sure everybody understood that so --

10 CO-CHAIRPERSON LYOU: Clarify report back from
11 staff with -- Dave's waving his card.

12 ADVISORY COMMITTEE MEMBER ARRIETA: I'm trying
13 to -- is it a second question? The motion that we just
14 voted on was specifically to address this issue. Barry is
15 talking about something above and beyond this issue.

16 CO-CHAIRPERSON LEE: Just to be clear, I messed
17 up. When Diane made the motion, she wanted to include
18 this list and Barry's recommendation. When I restated
19 what we were doing before the vote, I forgot to include
20 Barry's motion. So if you're okay, do you want to move
21 that one separately, and we can take the vote on that
22 separately?

23 ADVISORY COMMITTEE MEMBER TAKVORIAN: Sure. So
24 moved.

25 CO-CHAIRPERSON LYOU: Second.

1 ADVISORY COMMITTEE MEMBER ARRIETA: I would like
2 to get some feedback from the Water Board where they stand
3 on the issue of encasement. I think that needs to be
4 clarified.

5 CO-CHAIRPERSON LEE: Specifically in that motion?
6 So a report back at the next meeting from staff on what we
7 have heard here today and where they stand on encasement.

8 CO-CHAIRPERSON LYOU: I'd like to clarify that
9 the communication could come from Shankar to the
10 Secretary, that we wouldn't have to write a special letter
11 or anything.

12 ADVISORY COMMITTEE MEMBER ARRIETA: Second.

13 CO-CHAIRPERSON LYOU: I think I beat you to the
14 punch on the second.

15 ADVISORY COMMITTEE MEMBER ARRIETA: You just
16 changed it. It's all yours.

17 CO-CHAIRPERSON LYOU: We have a motion and two
18 seconds on the table.

19 Discussion, Brenda.

20 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS: I
21 had a further question, not just on the Board's response
22 on encasement, but also on the access to Prop. 50 funds or
23 whatever other funds. It says Prop. 50, et cetera.

24 CO-CHAIRPERSON LEE: And where the funding would
25 come from.

1 ADVISORY COMMITTEE MEMBER TAKVORIAN: Can we
2 ask -- I think those are good to pull out. But that we
3 are asking that this entire motion go to the Secretary and
4 therefore to the IWG and that the staff report back on all
5 of it.

6 ADVISORY COMMITTEE MEMBER WASHINGTON-DAVIS:
7 That's what I'm clarifying.

8 ADVISORY COMMITTEE MEMBER TAKVORIAN: I guess I
9 assumed that's part of what we would receive back is a
10 response back from the agency.

11 ADVISORY COMMITTEE MEMBER ARRIETA: I think it's
12 better to clarify it. That way, you get the answers to
13 questions that you specifically want.

14 CO-CHAIRPERSON LEE: So it's a special
15 communication to the Secretary on the testimony heard here
16 today with a report back at the next meeting from staff on
17 what we have heard today, where they stand on encasement,
18 funding options, and the other items in this one page or
19 with the exception of bullet five, which is not the
20 purview of the Committee.

21 Did I get it? Good. Excellent. Any further
22 discussion of the motion?

23 Shankar.

24 ADVISORY COMMITTEE MEMBER PRASAD: I just have a
25 clarification. Diane mentioning IWG. We are not

1 scheduling anything with IWG. Are you referring it to the
2 Secretary and communication from the Water Board, or are
3 you referring it to the IWG?

4 ADVISORY COMMITTEE MEMBER TAKVORIAN: Well,
5 that's what I was trying to clarify. Whatever we do goes
6 to the Secretary.

7 ADVISORY COMMITTEE MEMBER PRASAD: Or to the IWG,
8 if necessary.

9 ADVISORY COMMITTEE MEMBER TAKVORIAN: And to the
10 IWG if she chooses. That's her choice. So we would hope
11 she would share it with them, but we're asking for the
12 Water Board to respond. That's staff; right?

13 CO-CHAIRPERSON LEE: Yes.

14 ADVISORY COMMITTEE MEMBER TAKVORIAN: Are we
15 asking for the Secretary's response?

16 ADVISORY COMMITTEE MEMBER PRASAD: The Secretary
17 and the Water Board is different. If you're referring to
18 the IWG, that means and expecting that would happen before
19 the next meeting may not be accomplished.

20 CO-CHAIRPERSON LEE: We are not referring it
21 officially to the IWG. We are referring our concern to
22 the Secretary. We are hoping for a report back on the
23 specifics from staff. And to the extent the Secretary
24 also wishes to respond in comments to us at the next
25 meeting, that would be wonderful as well.

1 Okay. If there's no further discussion with the
2 motion -- Brenda, are you still up? No.

3 No further discussion of the motion, all in
4 favor?

5 (Ayes)

6 CO-CHAIRPERSON LEE: Any opposed?

7 Motion carries.

8 ADVISORY COMMITTEE MEMBER ARRIETA: Can I make a
9 further comment? My suggestion from earlier of having
10 this group somehow more actively involved in the Pilot
11 Projects kind of comes to a head with this issue. The
12 discussions that we've had over the last couple of years
13 since I've been on the Committee, it was my impression
14 that the New River project was probably the one that had
15 the most prospects of success and that the right people
16 were involved, that the right exercise was going on.

17 And it came as a shock to me when I saw
18 everything that transpired here today that it was totally
19 opposite of what we had been hearing. And I think it
20 would make a whole lot of sense if members of this
21 Committee were more directly involved with the Pilot
22 Projects. And I, for one, would be willing to volunteer
23 to be more involved with the New River project. I'm a
24 Spanish speaker. I can communicate with the residents and
25 maybe translate their issues to staff. Seems like that's

1 necessary.

2 So anyway, that's what I was kind of meaning when
3 I said we ought to get more actively engaged in the pilots
4 because the pilots are supposed to address cumulative
5 impacts, precautionary approaches.

6 CO-CHAIRPERSON LEE: And community participation.

7 ADVISORY COMMITTEE MEMBER ARRIETA: And community
8 participation. All those things that seem to be at the
9 root of what we're supposed to be here for.

10 CO-CHAIRPERSON LEE: I think that's an excellent
11 suggestion, David.

12 One of the things I was going to talk with my
13 Co-Chair and you and Shankar about as we try to frame all
14 of this for the next meeting was the possibility of
15 designating Committee liaisons to each of the projects.
16 That gets us away from the problems with our limitations
17 slowing up the projects by our participation requiring due
18 process. But it does give us greater involvement and
19 gives us another perspective at our meetings about what is
20 actually happening in the projects. And I think that's
21 something we can consider.

22 ADVISORY COMMITTEE MEMBER TAKVORIAN: You know, I
23 think that maybe really appropriate to do. But it seems
24 like this also gives us the opportunity to examine what
25 the purpose and usefulness of the Pilot Projects is. I

1 mean, I wasn't being facetious when I said I really don't
2 understand what the role of the Pilot Project is here. I
3 mean, it seems to me that everything that's being done is
4 required under state law. And if we're talking about a
5 special focus on communities that have special needs or
6 extraordinary needs or who got in the line, I mean, I just
7 think there's a conversation.

8 So before we start allocating folks out to watch
9 the agencies do what I think they're supposed to do -- I'm
10 really not trying to be harsh. I just feel like this
11 community is not getting special attention. They're
12 getting long -- maybe they're getting long overdue
13 attention. But this is really required under state law.
14 I'd like to have a conversation about how much beyond the
15 law are we really going with the Pilot Projects and hear
16 from Ron about his project and whether that Pilot Project
17 status is helping at all and what we're really trying to
18 achieve. Maybe there's a Pilot Project evaluation
19 conversation we need to have.

20 ADVISORY COMMITTEE MEMBER ARRIETA: Public
21 participation is really part of existing law for many,
22 many years since I've been involved. And I think the
23 whole exercise with EJ was to make sure that that is
24 happening to the best of the State's ability. And that's
25 what I think the pilots were supposed to address was to

1 evaluate how is it working, what are some of the problems
2 with it, and how can it be improved, and especially focus
3 on public participation, cumulative impacts, and
4 precautionary approaches. So I think there's adequate
5 existing legislative mandates that all these things
6 happen. It's just, you know, how is the best way to make
7 it happen?

8 CO-CHAIRPERSON LEE: Any other Committee
9 discussion on this? We have now segued in our next agenda
10 item. But before we go any further, I had committed to
11 read a public comment sent in from LaDonna Williams. She
12 wanted to make this comment. I'm not sure if it was
13 during the cumulative impacts discussion or the
14 precautionary approach discussion, but I will read it now.

15 She says, "I requested to make a live comment
16 on the phone, but was told they did not have the
17 capabilities to do it, but ironically can video
18 cast it all over the state.

19 "The current Cal/EPA structure and CEJAC is
20 totally worthless. From the very beginning,
21 Cal/EPA has been effective in one thing only,
22 which is keeping a process of no real
23 environmental decisions or actions that benefits
24 and protect communities, especially African
25 American communities, but keep them spinning

1 their wheels in a process of confusion and empty
2 promises. CalEPA has continually made
3 representations that they are taking protective
4 and supportive actions for negatively affected
5 communities, like Midway Village, which results
6 in public relations only to make an appearance of
7 such and only an appearance.

8 "Letter from Secretary Adams concerning
9 Midway stated she is sympathetic, but it is not
10 cost effective to relocate Midway residents off
11 the superfund toxic site. Promises from CEJAC
12 Committee Member Barbara Lee has promised a
13 letter of support for Midway that was drafted and
14 never released because it was in direct conflict
15 with the statements made by Adams, in addition to
16 the newly appointed Cindy Tuck, who fought
17 against any real environmental protection for
18 communities of color.

19 "CEJAC and Cal/EPA, you are a total failure.
20 Your processes are outright racist and
21 discriminatory and should be dismantled
22 immediately. This current Committee and Cal/EPA
23 structure and agency is a joke. And any of you
24 who are for real EJ should stand up against this
25 fake process which results in meeting, notes a

1 bunch of talk, and no action.

2 "To many whites in leadership role are very
3 comfortable in allowing these injustices and lack
4 of action to continue. And no one so far has the
5 courage to stand up and tell it like it is.
6 Shame on all who keep playing these games while
7 people die. Those allowed to continue these
8 games with people's lives and environment should
9 be charged with criminal charges."

10 From LaDonna Williams. She's with the People for
11 Children's Health and Environmental Justice.

12 Just as a point of clarification, we did send the
13 letter to the Secretary last year. And her response to
14 that letter is in the materials that were presented to the
15 Committee. So we will make sure LaDonna gets copies of
16 all of that so that she is aware of that.

17 MS. STONE: Can I comment?

18 CO-CHAIRPERSON LEE: We didn't have an open
19 public comment period now. This was a comment she wanted
20 to make earlier in the meeting, but had not been able to
21 come in.

22 MS. STONE: I'm just wondering why did letter
23 didn't go forward.

24 CO-CHAIRPERSON LEE: It did go forward. I'm not
25 sure --

1 MS. STONE: The action didn't go forward?

2 CO-CHAIRPERSON LEE: Let me restate. The letter
3 that we promised to send, we did send. The Secretary
4 responded to that letter. Her response was that made
5 available in the materials for this meetings. And we will
6 make sure that LaDonna has a copy of all of that. And
7 that was my clarification.

8 And that brings us now to our discussion of the
9 next meeting and what we wish to do with the next meeting.
10 My Co-Chair has disappeared. Oh, there he is. Hopefully,
11 he's going to wind his way back up here so we can have
12 this conversation.

13 So my sense of the things that we wanted on our
14 next agenda, first of all, we're going to prepare for the
15 Committee's consideration a discussion of options for the
16 Committee to participate more actively and productively in
17 the precautionary approaches and cumulative impacts
18 projects that are being undertaken.

19 And we also are going to agendize -- and I'm
20 separating this out, although it was not initially
21 separated out, a discussion of the Pilot Projects, what
22 purpose they are serving, and how the Committee could more
23 effectively interface with those projects. Am I on track
24 here?

25 And then I think I also heard Committee members

1 want to talk a little bit about the Committee as a whole
2 and what its Work Plan might be.

3 And then we also want to have a report back on
4 from staff on the New River project. And I believe we
5 also have a commitment already to get a report on the
6 Klamath River project; is that correct? And I think that
7 that's a fairly full agenda.

8 Is there anything that needs to be added? And
9 the bylaws. We're going to have to have dinner and
10 dessert. Is there anything else that folks want us to try
11 to squeeze into this agenda?

12 Cynthia.

13 ACTING ADVISORY COMMITTEE MEMBER BABACH: Well, I
14 just want to say that LeVonne did mention Fort Ord
15 presentation. So I'm just mentioning it because she
16 stepped out of the room.

17 CO-CHAIRPERSON LYOU: Federal facilities more
18 generally.

19 ACTING ADVISORY COMMITTEE MEMBER BABACH: I
20 thought she said she wanted to do a presentation. And I'm
21 just mentioning it, because working for LeVonne for many
22 years, you want to capture that since she stepped out the
23 room. Possibly there might not be enough time, but it
24 should be mentioned.

25 CO-CHAIRPERSON LEE: Thank you for mentioning

1 that, Cynthia. I had forgotten to write that down. We
2 will take a look at the agenda and see what we can manage
3 at this meeting. It may be the Fort Ord presentation will
4 have to be held to a subsequent meeting, because we have a
5 lot on the plate for this one.

6 ADVISORY COMMITTEE MEMBER ARRIETA: I would
7 suggest that might be a good half-day discussion of how
8 the Fort Ord and really the issue of the federal sites
9 ought to be addressed. It seems to be very important. It
10 seems to be that a lot of the discussion here really moves
11 in the direction of failure of these multi-jurisdictional
12 projects, moving forward the New River, the Klamath, to a
13 certain extent some of the actions in Wilmington with the
14 ports and all those things that are kind of federal/State
15 jurisdictions and how, you know, maybe we have some
16 recommendations we can give on how to improve that
17 process. And maybe a half day on that at the subsequent
18 meeting would probably be worthwhile.

19 CO-CHAIRPERSON LEE: Okay. Anybody else? At the
20 risk of jinxing the whole thing, I think I can now say for
21 the first time ever in its history, the CEJAC has finished
22 early.

23 So I want to thank you all members for coming and
24 participating and also those of you from the public who
25 have come and Cal/EPA staff for your tirelessly sitting

1 through this, although you look fairly tired from here.
2 We appreciate all of your input and look forward to seeing
3 you on our next meeting which is scheduled for May 31st in
4 the Coastal Room here at the Cal/EPA building. Thank you.

5 (Thereupon the California Environmental
6 Protection Agency, Environmental Justice
7 Advisory Committee meeting adjourned
8 at 4:12 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 21st day of April, 2007.

15

16

17

18

19

20

21

22

23 TIFFANY C. KRAFT, CSR, RPR

24 Certified Shorthand Reporter

25 License No. 12277